

IN MEMORY

OF

EDWIN C. LARNED

ILLINOIS HISTORICAL SURVEY

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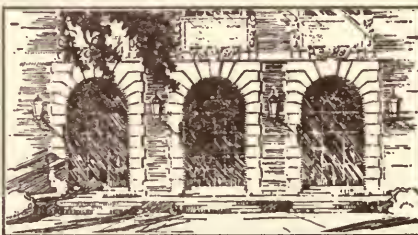
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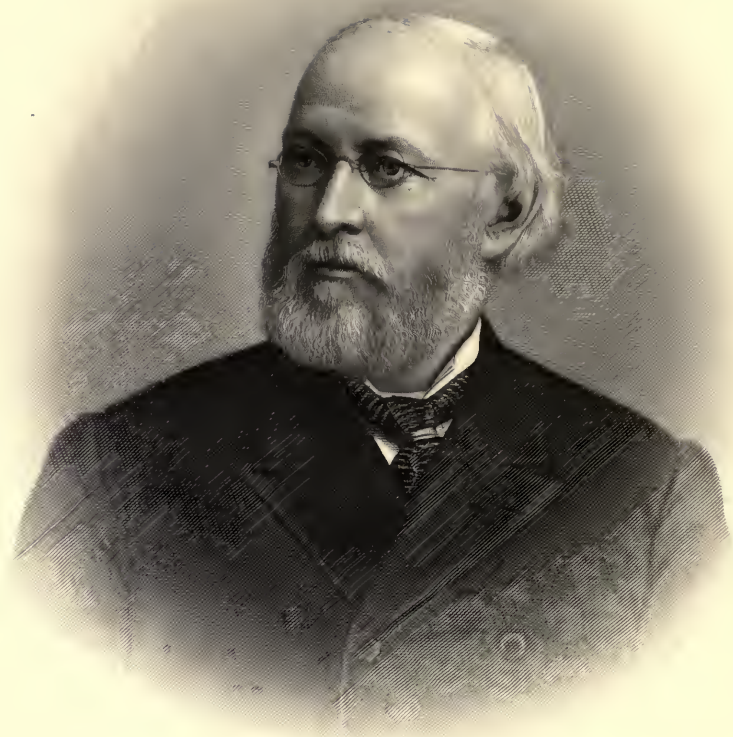


EDWIN CHANNING LARNED









*E. Larmer*

IN MEMORY  
OF  
EDWIN CHANNING LARNED



CHICAGO  
A. C. McCLURG AND COMPANY  
1886



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In Memory  
OF  
EDWIN C. LARNED.

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MR. LARNED died at his son's home in Lake Forest, Illinois, on the eighteenth day of September, in the year eighteen hundred and eighty-four, in the sixty-fifth year of his age. His death was sudden; but the disease of the heart which caused it had been known for a long time both to himself and his family. One of the most impressive lessons of his life could not be fully spoken of by those who have written the pages that follow, because his immediate family alone had the opportunity to appreciate it,—I mean the perfect serenity of his life for more than two years, while he knew that death might come at any moment. Though forced to remain quiet in body during these last two years, his mind was as active as

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ever, and his mental work was continued almost to the very last day of his life. He was more cheerful during the two years preceding his death than was usual even with him. Death had no terrors for him, because his Christian faith gave him the victory over it. He was ready at all times, as he often said, either to go or stay as the Heavenly Father willed it. The more public events of his life are fully told by those who delivered the following Memorial Addresses.

W. C. L.







THESE Memorial Addresses were delivered in the hall of the Historical Society in Chicago, on Dearborn Avenue, near the corner of Ontario Street, on the evening of Tuesday, the sixteenth day of December, eighteen hundred and eighty-four. The Hon. E. B. WASHBURN was at that time President of the Society. He presided, and spoke as follows :—

THE current business of the evening having been disposed of, we will now have the pleasure of listening to memorial addresses in respect of our late distinguished associate and honored friend, the Hon. EDWIN C. LARNED.

Mr. Larned was one of the oldest and most useful members of our Society, and always interested in all that appertained to our progress and well-being.

I can assume that the members of the Society and all others present will listen with interest and emotion to what may be said of Mr. Larned here to-night.

Long a resident of Chicago, by his honor and probity, by his intelligence and sagacity, by the

conspicuous virtues which adorned his public and private character, Mr. Larned had illustrated the history of our great city, and left a name and a memory which will be cherished with gratitude by all who knew him.

We will now listen to Mr. GOODWIN'S address.





## MEMORIAL ADDRESS.

BY DANIEL GOODWIN, JR.

*Mr. President, Ladies and Gentlemen :*

THE members of this Society can readily understand and appreciate the profound emotion with which I appear before them to-night. One year ago, by the courtesy of your then President, I here presented to you a memorial of that old hero, General Dearborn, for whom this settlement was named in its first infancy. Within the past month, the last male descendant bearing his name has been laid beside the old General, on the summit of Mount Dearborn in Forest Hills Cemetery. I saw him at his home in Roxbury, in September, in apparent health ; and he expressed great gratification that this Historical Society had celebrated the eightieth anniversary of the first settlement here by placing upon its walls a portrait of his grandfather.

On the twenty-first day of November, in the seventy-sixth year of his age, Henry G. R.

Dearborn passed away; but so long as the city of Chicago survives the elements, the name of the old hero of our two wars for independence will be remembered upon some beautiful avenue, some park, some noble building, some living society.

Nor can I stand here and forget him who presided here a year ago with such grace and dignity. He was an enthusiast for the fullest historical record of his beloved country, for which he had devoted so much of the best efforts of his life. He, too, has passed from earth; and these walls have scarcely ceased to echo the eloquent and appreciative eulogy upon our dead President from the lips of his successor, who struggled by his side for more than a generation in placing his country upon the adamant corner-stone of freedom and righteousness.

To-night we have assembled to do honor to the memory of one who was a very Warwick behind the throne of these leaders and law-makers. So long as the history of Chicago is read and admired, many of the most striking and interesting events in its career to the present year of grace will find the names of ISAAC N. ARNOLD and EDWIN C. LARNED linked together in fraternal accord.

It seems to me but yesterday since I came to Chicago, in November, 1858, and entered Mr. Larned's office in the old Parker Building on Washington Street. The gifted Dr. William Dennison; the much loved Dr. M. O. Heydock;

the well-born and well-bred J. Mason Parker; Stephen A. Goodwin, with his learning and eloquence; Edward S. Stickney, so full of every kind of culture; and Edwin C. Larned, the orator and the philanthropist,—were all then under the same roof; but, in the words of the gentle Elia, —

“ All, all are gone, — the old familiar faces.”

But they have left us with memories we would not willingly let die; and it has been thought best that this Society should place upon its records some memorial of the noble life which has so recently ended.

Twenty years have elapsed since my partnership with Mr. Larned. If I had been called upon at that time to pronounce a eulogy upon his character and services, it might have been thought by some, whose knowledge of him was limited, that the sentiments expressed were colored by the warm friendship engendered by daily courtesies and mutual interests, and that the judgment was blinded by the too near influence of his brilliant conversation. But the years which have passed since then have brought many other brilliant and able men upon the stage and before the view; and, take him all in all, I remember Edwin C. Larned as the peer of the best and noblest men our era has produced. Not to speak of the living, since my estimate of Mr. Larned was formed, I have listened to Lincoln and Browning, to Lovejoy and Carpenter, to Arrington and

Fuller in our own city, and to a host of able men from all parts of the country; and I remember now the war speeches of Mr. Larned, his arguments in cases involving personal rights, and his pleas for the sick and the wounded and the destitute, and the imperilled children, as among the finest and most effective appeals ever addressed to the reason and the heart.

We have known many men in this wonderful city who were great in some particular directions; Mr. Larned was remarkable for his even and full development in every sphere and in every department of intellectual labor.

Mr. Larned was born in Providence, R. I., July 14, 1820, and died at Lake Forest, Ill., on the 18th day of September, 1884.

He was the son of John S. Larned, a prominent and influential merchant of Providence, and Lucinda Martin, his wife. His grandfather, William Larned, served with distinction in the Revolutionary War. His father died when he was young; and his home training was by his mother, who was highly educated, and the author of several published books. He was educated at private schools in Providence, and graduated at Brown University in 1840; was Professor of Mathematics in Kemper College, Mo., for one year, and then studied law with the Hon. Albert C. Greene, who was attorney general for Rhode Island for seventeen years, and for a time United States Senator. He first distinguished himself by preparing the evidence and briefs in the



celebrated Lexington case, 6 How. U. S. 344, in which Richard W. Greene and Daniel Webster were of counsel, and so acquitted himself as to be taken into partnership by Mr. Greene, who was for many years afterward Chief Justice of Rhode Island.

Mr. Larned resolved to try his fortune in the West; and he settled in Chicago in September, 1847. He was at that time very tall and slender, but enjoyed good health; had a voice of great volume and power, and exceedingly rich and mellow in tone; and was possessed of an exuberant imagination and great command of language.

Mr. Larned was by nature and education an enthusiastic anti-slavery man, and acquired his first celebrity by a popular speech in the old Market House on State Street, in 1851, in answer to one by Stephen A. Douglas, on the Fugitive Slave Law, which was published in pamphlet form, and which Mr. Douglas complimented as the best on that side of the question.

Mr. Larned identified himself, soon after he became a citizen of Chicago, with as many public interests as any man could, with justice to his own private business.

In 1850 he assisted in the preparation of the act to incorporate the Chicago City Hydraulic Company, under which the Chicago Water Works were constructed, and which are now the largest pumping-works in the world.

He was secretary to the Board of Education in 1852-54, and was one of the founders and

trustees of Dearborn Seminary. In 1854 he was the master spirit in originating and putting into operation that vast system of sewerage which has converted a great swamp into the healthiest of all the large cities of the world which maintain and publish records of vital statistics. He called the first meeting, was chairman of the committee to prepare a bill to remedy the evil, drew the bill, and when it became a law, was the attorney for the board, and aided in securing for the city the priceless services of E. S. Chesbrough and Gen. J. D. Webster. He became inspector of public schools, and studied into its system, probed into its weak points, drew the ordinance for the office of superintendent, and aided to perfect a system so admirable that he deliberately selected it in after years as the best preparation for his own son for Harvard University.

Believing that every citizen owes a duty to that class of whom his great Exemplar had declared, "The poor ye have always with you," he as early as 1857 helped to organize, and was the first incorporator of, the Chicago Relief and Aid Society, which has since then performed a work never equalled except by the United States Sanitary Commission during our great war; a charity the record of whose good deeds has travelled around the habitable globe.

He was one of the first to appreciate the value of a charitable Eye and Ear Infirmary, where those too poor to employ a physician might



procure the most speedy relief, in many cases saving a useful laborer from becoming a pauper, and consequently a charge upon the State; and he not only gave of his means, but for a while was one of the trustees of such an institution.

To St. Luke's Hospital he was an early and constant donor, has been one of its trustees, and supported there a bed where some poor sufferer is to-day, blessing the memory of him who provideth for the sick.

He was one of the earliest and most liberal contributors, in money and work and public speech, to the Training School for Nurses, one of the most important of our city charities. As early as 1856 he became profoundly impressed with the idea that bread ought to be made and furnished at a reduced cost to the millions who live as it were from hand to mouth; and in connection with his brother-in-law, the late Joseph T. Ryerson, who was identified with him in most of his utilitarian and philanthropic efforts, he organized a mechanical bakery, and was its president for several years; and during the first year of the war it furnished bread and crackers to our soldiers in the West, which could not have reached them by the ordinary avenues.

Grasping early the conviction that this city was to be made the chief metropolis of the West by the means of railroads, he took a warm interest in projecting, and as early as 1849 became one of the directors of, the Aurora Branch of the

Galena and Chicago Union Railroad, and was subsequently offered the attorneyship of the main road.

Mr. Larned also took an active interest in the religious world; was one of the first to move in the effort to procure a resident bishop for this diocese, and to procure the funds for the building of a cathedral church. He was one of the vestry of the Church of the Holy Communion, started as a missionary church in the heart of the city by his intimate friend, the Rev. Henry B. Whipple, who from that field of city work became one of the most eminent of the House of Bishops of the Protestant Episcopal Church in America. In this connection it may be said that Mr. Larned's public religious work only ceased with his loss of health. Many of us have seen him going, through whole winters of storm and snow, to a poor church on the North Side, to teach his Bible class; and he not infrequently read the service and a sermon both in our city churches and in the villages in our vicinity. He was a broad churchman, holding distinctly and reverently the fundamental doctrines of Christianity, and was personally attached to the simple and unadulterated worship set forth in the Book of Common Prayer of the Protestant Episcopal Church.

Mr. Larned has taken an active interest and made many public speeches in favor of controlling the sale of liquor to children; has taken public pains to purify the stage; and upon every

question of reform, his clarion voice has been heard in public and his active pen been busy for that great multitude which can be reached only through the daily papers. His published letters and articles in the newspapers would fill a considerable volume.

Not the least among Mr. Larned's contributions to the literature of this city were the numerous tributes he paid to the memory of his friends. His speeches, in memory of Colonel Hamilton, Judge Baron, Judge McLean, Stephen A. Douglas, Judge Manierre, Carlos Haven, Judge Arrington, Abraham Lincoln, Stephen A. Goodwin, James M. Walker, and scores of others, were models of discriminating eulogy and feeling eloquence.

Mr. Larned was peculiarly qualified for a prominent place on what some would consider the broadest field of national labor at Washington, and his friends repeatedly urged him to accept a nomination for Congress; but he was never willing to give up the charm of his private domestic life, and insisted that there was work enough to do for morals and society, for literature and the arts, for charity and religion, in a city like Chicago. And yet the position which he filled from 1860 to 1865 might truly be called a national one. Mr. Larned had been for several years the law partner of our late brother Isaac N. Arnold, in a lucrative business; and the time had come when Mr. Arnold felt that he had acquired a sufficient fortune and had achieved a

sufficient success at the bar, and owed his future time and labor to the legislation and government of the nation at large. He resolved in 1858 to go to Congress; and Mr. Larned canvassed this district, which was then a large one, for his friend.

#### FUGITIVE SLAVE CASES.

In March, 1860, Mr. Larned extended his name and fame as an orator in the fugitive slave cases. Looking back upon our past lives, we find that all we have seen, as well as all we have read or heard, which has made a vivid impression upon us, is grouped or crystallized into certain distinct pictures. Who that has ever seen Trumbull's picture of the death of General Warren, at the battle of Bunker Hill, can ever forget it? Who that has visited the National Gallery, on Trafalgar Square, will ever forget the fall of Lord Chatham, in the House of Lords? Who that has visited Faneuil Hall will not recall the picture of Webster, in the act of closing his grand oration for the Union and against the doctrine of disunion, in the presence of Calhoun and Clay and the other great Senators of 1830?

Every lawyer carries with him upon the illuminated sheets of memory the most vivid pictures of the striking scenes he has witnessed in court, — scenes which, by reason of their actual personality, the present visible objects of excitement, of hope or joy, of triumph or despair, far

surpass, in their influence upon the feelings, any tragedy of fiction or history even by a Booth, an Irving, or a Jefferson.

Among such pictures on my own brain is that of the Freeman murder trial in Auburn, N. Y. William H. Seward, assisted by Samuel Blatchford, now of the United States Supreme Court, battled for the life of an insane negro for weeks against the wit and eloquence of the Attorney General, John Van Buren, in the presence of a community clamoring for the blood of the murderer.

Another such picture is that of the first fugitive slave case which occurred in western New York shortly after the passage of the law of 1850. It was in that same court-house in Auburn, N. Y. The stately and venerable Conkling was upon the bench; Senator Seward and his nephew Clarence, and Blatchford and Pomeroy, were interested listeners. Henry A. Foster, for many years judge of the Court of Appeals, but then United States attorney under Pierce, had the unpopular task of prosecuting a law most repugnant to the citizens of western New York; and the brilliant Ganson, of Buffalo, in words of fire argued against the constitutionality of the law.

Other such pictures were the Busch murder case, where our Mr. Arnold and the late Thomas Hoyne successfully fought for the young lawyer who, in defending his father's possession of his property, unintentionally killed a trespasser; and the Jumpertz case, the Hodge case, and the

North Shore accretion case, where for days I watched the witty and persistent John A. Wills badger Abraham Lincoln until every one in the court-room lost patience except Mr. Lincoln himself, who never for an instant betrayed the slightest resentment or annoyance.

But of all the court pictures I now recall, that which seems to transcend all others in importance was the fugitive slave case of 1860 in this city, before his Honor Judge Drummond.

A prominent lawyer once said of Mr. Larned that he never heard him in a case when he did not seem to him to make the best speech which the subject admitted. Here was a limitless field! The entire South and the conservative men of all parties at the North were clamoring for convictions. Southern slaveholders and their newspapers were arousing the most bitter irritations among their people by declaring that Northern juries would not sustain the law which Chief Justice Taney and a majority of the Supreme Court had decided was constitutional. The aged and justly venerated Justice McLean, presiding justice of this circuit, had declared against the constitutionality of the law in unanswerable logic, and shown that many of the statements of facts in the opinion of Taney were entirely erroneous.

The United States Marshal for this district adhered to the Buchanan wing of the Democracy; and the jury was composed almost entirely of Democrats, the only two Republicans being



original corporators of this Society, Edward I. Tinkham and Gen. Joseph D. Webster. In the first case tried, Mr. Larned took no active part, but kept notes and listened. Isaac N. Arnold, Stephen A. Goodwin, and the eloquent Joseph Knox had all made remarkable speeches for the defendant. They felt that momentous issues were at stake, and that the eyes of the country were upon them.

The Government had called in the services of Judge Arrington, whose massive intellect, exuberant fancy, and fascinating oratory were used at their best; and the "Press and Tribune" of the 8th of March admitted that his argument was one of the most able and eloquent forensic efforts in the annals of our bar.

Among the witnesses were our associate members,—Chief Justice John D. Caton, to prove the acts of the defendants; and B. C. Cook and W. D. Houghteling, to testify to their blameless and exemplary lives and reputations. The first case resulted in a conviction. In the second case (*United States v. Joseph Stout*) Mr. Larned took the lead. He was then less than forty years of age; but the subject was part of his existence, and incorporated into the very fibre of his moral and emotional nature. No epitome or description of, or extracts from, his argument could do any justice to the fervor of his appeal or the thrilling effect of his eloquence, held in control ever by his loving respect for Judge Drummond, and his absolute command on all

occasions of his own temper and his own reason. It was an elaboration of his old speech at the Market House, where he had first exhibited his remarkable powers with the same kind of eloquence which first notified the conservatives of Faneuil Hall that the times demanded and had created a Wendell Phillips, who there thundered forth the rights of man as James Otis and Joseph Warren and John Adams had done in 1775.

Such was its effect upon the jury that though they were kept out for parts of three days and two whole nights, they would not return a verdict of guilty. Mr. Larned's argument was published in the columns of "The Chicago Press and Tribune" on the 19th of March, and was read by thousands of people all over our great Northwest less than fifty days before that convention which nominated Abraham Lincoln, and adopted a platform which declared that slavery was local and not national,—the creation of local law alone,—and should not be extended into any free territory of these United States.

The balance of the year 1860 was largely spent by Mr. Larned in active campaign labor and speeches for Lincoln and Arnold; and from that time on until 1865, during those terrible years, he was one of the powers which upheld our great fabric of constitutional liberty and saved the nation.

Mr. Larned was one of the most earnest and active members of the famous Union Defence



Committee during the war, — a committee composed of such leaders of men as Judge Thomas Drummond, Judge John M. Wilson, Judge Manierre, Thomas Hoyne, Captain George Schneider, and others, — a committee which accomplished for our nation what the Committees of Safety and Correspondence did for our colonies in 1775-76. It was in constant communication with Lincoln, Seward, Cameron, Trumbull, Arnold, Washburne, Fremont, and other authorities, both here and at Washington, Kentucky, and St. Louis, guiding and directing popular opinion, formulating proper legislation for the new order of things, raising and equipping troops, creating defences for our northern frontiers, selecting proper ambassadors to undeceive the people of Europe taught to believe that the Southern Confederacy was fighting only for liberty, and in raising supplies and nurses for our sick and wounded soldiers. The history of that Union Defence Committee has never yet been written, but would make one of the most interesting chapters in the history of the Northwest.

There are still living many members of this Society who will remember their trip to Cairo in April, 1861, headed by Judge Drummond and Mr. Larned.

He was with Lincoln and Arnold in Washington during the month of May, 1861, when our gallant Ellsworth fell at the very threshold and gateway of those awful fields of slaughter which swallowed up a million lives, and his were

among the tender hands which carried our brave boy from Washington to his Hudson home; and that scene of blood and tears, more touching from its isolation than the future destruction of thousands, crystallized his hitherto ardent hope that slavery should be obliterated from our whole country.<sup>1</sup>

<sup>1</sup> A few entries in an old office book kept in 1861, and saved from the fire in 1871, will illustrate the kind of life Mr. Larned led, not only in 1861, but all through the war.

*Jan. 17, 1861.* Mr. Larned presented resolutions of the bar on the death of Colonel Hamilton to the Superior Court.

*March 28.* Mr. Larned appointed United States Attorney, and Mr. Scripps, postmaster.

*April 5.* Judge McLean died.

*April 6.* Bar meeting at United States Court. Resolutions drawn by S. A. Goodwin. Mr. Larned presented them to the court in a beautiful speech, and Judge Drummond made a feeling reply.

*April 10.* Mr. Larned circulated petition to appoint Drummond to the Supreme Court in place of McLean.

*April 15.* News came of the evacuation of Fort Sumter and the arming of various Northern States. Great meeting at Metropolitan Hall. Speeches by Lovejoy, Blackwell, Arnold, Larned, Hoffman, and others.

*April 20.* All Chicago in a fever of excitement about the war; courts all closed, crowds of lawyers enlisting.

*April 24.* Mr. Larned and more than twenty of us lawyers joined Company C, Sixtieth regiment, and drilled all the evening at Board of Trade rooms, under John Van Arman.

*May 10.* Went to Cairo with Judges Drummond and Baron, Messrs. Larned, Hickok (of the "Tribune,") Eastman, Gregory, Williams, Hapgood, Smith, Tucker, Stockton, Bradley, Bishop, and others.

*May 11.* Visited the camp, and talked with Colonels Webster, Prentiss, Bayne, Wallis, Dr. Semmes, and Haven and others. Mr. Larned took one thousand copies of Beecher's sermon on the flag, and distributed them among the soldiers.

*May 19.* Mr. Larned went to Washington with Arnold to confer with the authorities about war measures. He was there when Ellsworth was killed, and was one of the escorts from Washington to New York.

And here let me read a letter I have just received from Robert Collyer, that original genius who so long and so well represented the great

*May 29.* The "Tribune" published Mr. Larned's letter describing his Washington visit.

*June 5.* Mr. Larned announced the death of Stephen A. Douglas in the United States Court.

*August 10.* Mr. Larned made a great war speech at the Union meeting.

*August 14.* News received of the battle in which General Lyon and L. L. Jones were killed, also of Hyatt's death.

*August 16.* Mr. Larned worked all day on the Union Defence Committee. They are authorized to equip four regiments. Democrats like Thomas Hoyne and John Van Arman at work also.

*August 24.* Mr. Larned made a great war speech at Bryan Hall.

*August 27.* Mr. Larned before Judge Goodrich all day, in matter of *habeas corpus* of Captain Crofton for killing Krafft.

*August 28.* Mr. Larned went to Washington with Judge John M. Wilson, on Union Defence Committee. They had a long interview with Lincoln, Cameron, Blair, and others. Returned September 7.

*September 11.* Mr. Larned went to St. Louis on war business. Returned 16th.

*September 27.* Mr. Larned making stump speeches in the country for enlistments.

*October 29.* Clark, Arnold, Bryan, Brainerd, Coolidge, Semmes, and others in all day with Larned, and agreed upon a memorial to Congress.

*November 28.* Larned at Pine case all day in United States Court.

1862. *January 8.* Judge Baron killed. Mr. Larned's speech at the bar meeting very eloquent.

*February 12.* Mr. Larned went to Washington, and was there when the news came of the capture of Fort Donelson and twelve thousand prisoners. Returned 28th.

*March 17.* Mr. Larned argued the Chickering and Ludington case.

*April 1.* Mr. Larned has been with the United States grand jury several days.

*April 10.* Mr. Larned read Senator Trumbull's confiscation speech.

*May 5.* Mr. Larned made fine eulogy upon Carlos Haven, at a bar meeting.

*July 19.* Mr. Larned made a war speech at Bryan Hall.

The name of Mr. Hyatt recalls a case which strikingly exhibited the power of Mr. Larned's eloquence. In 1859 a

emotions and the noble charities of this Western country, but who has taken his ripened powers to a still larger field: —

NEW YORK, Dec. 9, 1884.

DEAR SIR, — It is almost twenty-five years since my hand first clasped the clean and strong hand of Edwin C. Larned on a bitter winter morning, when he came in very early to ask what he could do to help some

gentleman living in California sent an agent here to get possession of his two sons, lads of seven and nine years, who were living here with their mother. The father had some disease which made it impossible for him to live away from California. His wife was young and handsome, and was unwilling to leave her parents and friends and comforts to live in what was then an uncultivated frontier. The wife procured a divorce for desertion, and had married again and come here to live, and her parents were living with her.

Mr. Larned sued out a writ of *habeas corpus*, returnable before Judge John M. Wilson; and the sheriff brought the mother and boys into court, accompanied by both grandparents and Mr. Hyatt, their attorney. Mr. Hyatt was able and eloquent, and had the advantage of the personal presence of a beautiful client whose parents upheld her action and whose children clung to her with great affection; but when Mr. Larned took up the case and pictured the sick and miserable husband, expatriated from his home and kindred by disease, practically deserted by his wife in the hour of his sore trial, his words were so earnest and tender that they brought streaming tears down Judge Wilson's face. There was no jury and no audience beyond the officers of the court, and the parties and their attorneys, and I thought the tears of that eminent chancellor, pronounced by Judge Arrington the ablest judge in Illinois, the most perfect tribute to Mr. Larned's eloquence and to his character. I say character, for many lawyers could have used the same or more eloquent words; but there was that moral sincerity in all Mr. Larned said which carried respect and conviction to the brain and the heart of the listener.

poor emigrants who were then on my hands. He had read an appeal for them in the "Press and Tribune," and lost no time in offering to help me. So we took hold together, set them on their feet, and from that day we were stanch and true friends right on to the end. I think I could lay my hands now on two or three men on the North Side, Germans, who were poor children in that hapless band and are now well to do.

It fell out not long after this that I was elected minister of Unity Church ; and when we began to hold services in our new meeting-house, he came in one Sunday and sat near the pulpit. I can see his fine serious face there as I write this line, and his steadfast eyes shining through his spectacles. These were the days when the ark of our covenant was smitten at Fort Sumter, and we shook out our banners, bound them about our pulpits, sang "When Israel of the Lord beloved" and "America," and all the psalms we could lay our hands on that rang out strong and true for the nation.

Mr. Larned came at once to the front, did not stop to pick out the gentlest words, and shot his arrows right and left, tipped with white fire. We foregathered in Washington when all was quiet on the Potomac, and went among the camps together, speaking to the young soldiers ; and I mind still an address he made to the Second Rhode Island Regiment, blended all of fire and tears, and full of hope and courage. His old friend Bishop Clarke was there also, and spoke nobly and well ; but Mr. Larned's speech was the best. It was as when "deep calleth unto deep," and must have stayed in the hearts of the boys as a very choice memory.

There was never the slightest jar in our friendship and esteem ; and so it was right on to the end. I saw him here in New York for an instant one sweet fall



Sunday, walking on the avenue, as I was going to a funeral with no time to wait, and wist not I should never see my good old friend again.

In my time we held on to the quiet assurance that the North Side was the choicest and the best. The West Side could boast of its teeming population, and the South Side of its wealth and splendor; but we prided ourselves on the possession of a certain love of books and the fine arts, and the desire to preserve the memorials of the past which bloomed out into the Historical Society, and ripened that seed which is to grow into one of the noblest and best libraries in the world.

Edwin C. Larned, William B. Ogden (the ablest man he had ever met in the West, Mr. Emerson said to me once), William Barry, William H. Clarke, and others who are alive and remain, — these were the men who stood within the finer life and more excellent, in whom we nourished a quiet pride. We love, too, the fine old quarter embowered in maples and elms, with a great tree here and there which had survived from the wilderness, and those fine old mansions standing in open squares. The old things have passed away now, and all things have become new; but it is good to remember these fore-elders, whose lives were so full of noble aspirations and endeavors; and among these no man is more worthy the reverence of the new generation than Edwin C. Larned.

Yours always,

ROBERT COLLYER.

To D. GOODWIN.

When Mr. Lincoln was inaugurated President of the United States, in March, 1861, he immediately appointed Mr. Larned district attorney

for this district. It was with real reluctance Mr. Larned accepted this the only office he ever filled; but his appointment was so manifestly appropriate that the whole bar of our city, without distinction of party, recommended it. Mr. Arnold begged him to accept it, as a personal favor to himself, and both the "Press and Tribune" and the "Chicago Times" applauded it as a most honorable appointment. He was for four years literally an attorney for the United States, giving to the country during those troubled times the best services of his life. When his friend Mr. Arnold left Congress, Mr. Larned resigned. Mr. Lincoln asked him to continue in the office, but finally accepted his resignation with expressions of great regret.

The canvass of 1862 was a most exciting one. The war and the non-success of the army in Virginia, and the want of harmony between McClellan and the administration created a reaction against the Republican party. Horatio Seymour was elected governor of New York. To stem the tide in Illinois, Mr. Larned made every effort of his great powers. Our congressional district then reached as far as Aurora, and he spoke to our people from the stump in every part of the district. He believed that the defeat of his friend and his party at that time, and in this city where Lincoln was nominated, and the chief city of the Northwest, meant the destruction of our Union and the useless sacrifice of untold treasure and blood; he worked day and

night with almost delirious energy to sustain the flag.

There were few to whom the victory was more justly due, and it cost him a great price; it cost him his health for a long and weary year. He went to Europe for rest in April, 1863, accompanied by his son; but rest to such brains as his comes not by repose or inaction, it comes only by change of work; and the public press and the clubs with which he has been associated have profited by all his journeys in letters of vivid description of men and things in foreign lands, full of thought and observation, generally inculcating some moral principle or advocating some public charity.

For some years before the fire of 1871 Mr. Larned had retired from business and resided in the East, but immediately after the fire he returned and spent the whole winter at work in the Relief and Aid Society. An extract from his speech at the popular meeting in favor of the Chicago Relief Bill pending before Congress in 1872 will afford an example of his style and sentiments:—

“I am not a free-trader. I am a protectionist on principle; but at the same time I am warmly in favor of the Chicago Relief Bill, and think it ought to become a law. It has been said that the bill is unconstitutional. If I believed the bill to be unconstitutional, however much my attachment to Chicago might prompt me to wish to see it passed, I should be unwilling to violate any of the principles of the Constitution



to secure that result.\* I feel very safe in following in the steps of the chairman of the Judiciary Committee in the Senate, Mr. Lyman Trumbull. Of the *merits* of the bill, it seems to me there can be but one opinion. It is a simple expedient to enable Chicago to get building material at the normal prices ruling throughout the country. It is not a bill to favor Chicago, but it is a bill to prevent Chicago from being disfavored. It is not to confer any great advantages upon Chicago, but to relieve her from the enormous disadvantages which will be thrown upon her in consequence of the unparalleled calamity that has fallen upon her. If we were in our natural position we would want no favors; but the fire has desolated our city, and the very energy which is rebuilding it, and which the world admires because it rushes forward with such tremendous speed, makes an enormous demand for building materials of all sorts and descriptions within a very short space of time.

“The common sympathies of humanity, the common feeling between man and man that has manifested itself in that magnificent charity which has poured its bounties from all parts of the world for the relief of human suffering, should extend itself into business circles, and into Congress, and wherever men are brought together.”

With all Mr. Larned's work and sympathy for the poor and oppressed, for the sick and the troubled, for the dying and the dead, there was no gloom in his nature, his smile, or his voice. That bane of men called “irritability,” which so often robs the office and the counting-house of all pleasure and ease, and the domestic hearth

of all peace and comfort when the *master* is present, was unknown to him. Weary with work, often distressed by disease, and worried by a thousand cares and vexations, he ever maintained the courtesy of Philip Sidney and the long-suffering, uncomplaining patience of Abraham Lincoln. To meet him on the street on the darkest or gloomiest day was like a sudden burst of sunshine. His beaming cordiality not only lighted up his own countenance, but called out all latent warmth from the hearts of his friends. Those who remember him as president of the Anonymous Club or the Literary Club will recall his hearty and sympathetic laugh, always the first and the loudest, never laughing *at* one, but always *with* one, in joyous sympathy. Anything gross or coarse shamed and humiliated him; and nothing ever passed his lips which might not be unblushingly repeated before a Christian wife or mother.

Of his domestic life I dare not trust myself to speak, even in this place, within a stone's-throw of his home for twenty-five years, and in the presence of none but his neighbors and friends. Shall we any of us ever forget that ideal home, where absolute purity and religion were made attractive by liberal hospitality, the heartiest humor, the tenderest courtesy, and the highest range of poetical thought and culture?

Mr. Larned's career in this world is over. It closed as he must have wished. At a bar meet-

ing in the month of May, 1879, he used the following language:—

“When a man at the end of a long, useful, and honorable life, in the full possession of his unimpaired powers, passes from the present to a higher form of life, it is not a matter of lamentation. Death is inevitable ; it comes to every man, and when the further continuance of life upon this earth would afford no further opportunity for growth and development, there is no reason why we should desire that our own lives or the lives of those who are dear to us should here be further prolonged.

“Looking upon death as I look upon it, as only the entrance to a larger and loftier life, it seems to me most fitting that when a man can achieve nothing further here he should pass up into the nobler life above.

“It seems to me that the happiest and most desirable of all deaths that can befall us is to be taken suddenly away, in the full possession of unimpaired powers, from a life of laborious activity and usefulness here, and translated at once into the higher life of the spirit.”

Such, substantially, was his own lot. At a comparatively recent period he was in the front rank of active practice. His physicians became aware of a disease of the heart which must eventually prove fatal; but his intellect continued active, and his pen sent his thoughts into the daily and religious papers down to the last week of his life, in words clothed with the earnestness of one who already walked in the border land.

We repeat for him his own expressive words, spoken not long ago of one he loved : —

“The life of our friend has closed ; it is closed honorably, usefully, and nobly. As we leave him in the grave we can turn away with the feeling that he leaves behind him an honorable record and an untarnished name, with the assured faith that he has passed from the earthly to the heavenly life.”





## ADDRESS.

BY RT. REV. S. S. HARRIS, D.D., LL.D.,

*Bishop of Michigan.*

*Mr. President, Ladies and Gentlemen :*

As I have listened to-night to the eloquent Memorial Address that has been read, one thought has risen up in my mind among the grateful memories of our departed friend; and that is, how goodly and gracious a thing this commemoration is. How characteristic, may I not add, of this great and magnanimous city, whose singular fortune it has been to number among her sons so many strong men, and whose singular praise it is that she has known how to cherish them while living and to honor them when dead. Perhaps nowhere in all the world are men more entirely required to stand on their simple merits than here, and nowhere is real merit more cordially recognized. In two respects this city has been highly favored. Early in her history, while her character was being formed, she recruited her professional

and commercial ranks from among the best and bravest of the whole land. By a principle of natural selection, the boldest, best equipped, and most aspiring spirits were attracted hither by the rising fortunes of this western metropolis; and by a principle, not less salutary, of the survival of the fittest, all but the best and bravest of these soon fell out of the ranks in the eager strife. Young men like Larned and Arnold and Ogden girded themselves for valiant adventure when they came hither, and brought with them not only the weapons of conflict, but great and constant souls that had the inborn power to wield them. And so it came to pass that those great-hearted young men were welcomed to Chicago in that early time, and they in turn repaid the hospitable debt by making Chicago what she is to-day. Like a good foster mother she watched with pride their growing powers, and had the wise magnanimity to nourish at her unfailing breasts the adopted sons whose courage, enterprise, and greatness of soul were to make her a wonder and a praise through the whole earth.

This magnanimous spirit then has been no accident. The large-mindedness so characteristic of this city, of which I have spoken, has been the natural result of that good fortune which early intrusted the destiny of Chicago to the shaping of large-minded men. Men like Edwin Channing Larned created the moral atmosphere in which they lived. Like mountains



verdure-clad and crowned with light, whose unfailing waters freshen the valleys and gladden all the land, the Ogdens, Arnolds, and Larneds of Chicago made the city the congenial home of strength and greatness. The open-minded, genial, unfailing interest and affection which Mr. Larned delighted to lavish on those around him, not only gladdened and strengthened all about him, but returned in showers of blessings upon his head. And now that he is gone, and our faces shall be lighted by his genial presence no more, we are here in the very spirit which he and his companions engendered, to repay to his memory a part of the gracious debt that we owe.

But these considerations have been suggested with sufficient force by the gentleman who has preceded me. Let me turn to my own special part among the honorable duties of this hour. I am asked to speak of Mr. Larned as a scholar and a Christian. Let me briefly speak of these characteristics in their order. With the training and technical equipment of the scholar, Mr. Larned was amply furnished. The struggle and effort which he made to secure his education were not the least valuable part of it, and on the verge of manhood he took his degree at Brown University. After a year or so spent in the scholarly pursuit of teaching, he devoted himself with characteristic ardor and brilliant success to one of the learned professions. But not in equipment and professional attainment

alone, but in all the habits of his life, Mr. Larned was always a scholar. Not only in the many productions of his pen, always strong, always graceful, always luminous, nor in the encouragement and patronage which he delighted to bestow upon all the movements around him in the interest of philosophy, culture, and science, nor in his well-remembered triumphs in the forum and on the platform, but chiefly in the sustained altitude of his mind, the ever fresh and ever young enthusiasm of his literary and philosophic interest, Mr. Larned deserves rank among the scholarly men of our country. Some of the characteristics of his mind were so remarkable that I may be pardoned, perhaps, if I briefly mention one or two of them. Among them was one that was of the very essence of all true scholarship; and that is, a love of the truth, — of truth in all its forms, for the truth's sake. The singular thing about him in this respect was that though he was both a man of thought and a man of action, he never seemed to tire of taking in fresh supplies of truth. Most men make haste to get what they must have, and then close the pursuit. Their minds ever made up, they become impatient and intolerant of new views which, if entertained, might force them to reconstruct their opinions. Such men soon cease to learn, and finally cease to think. Not so Mr. Larned. Above all men I have ever known, his hospitable mind was always ready and eager for every



fresh arrival of thought. He had a hunger and thirst for truth and all kinds of righteousness. And to this is due the remarkable freshness of his mind to the very last; the strong, living interest that he took in the newest books, the latest development of research. Up to the very time when his voice went down into silence there was no issue in science, politics, or letters that did not engage his intelligent and enthusiastic interest. But there was coupled with this another characteristic of the man that saved him from all crudeness, incertitude, and vacillation. Though he was a learner all his days, he was also a mature scholar, a finished philosopher, a man of positive convictions and definite views; and the characteristic that made him so was his remarkable mental vitality, — his intellectual, moral, emotional vitality. He possessed an amazing and unfailing power of mental digestion and assimilation. Each truth that he received passed into his own being, and immediately he was ready for more. With singular clearness of perception and power of discrimination he was able, as if by instinct, to reject the false and appropriate the true, referring it to its own particular place in the large system of his thought. The result was that though he was always open-minded, he was also a man of formed opinions, a man of equipoise, a man of thought and a man of action, a man of reasonableness, but of living stability; his stability being not like the rigidity of a dead, sapless,

branchless trunk, but like the living oak which rejoices in the sunlight, but is not afraid of the storms, and which is nurtured by both sunshine and storms into larger growth and greater strength and vitality.

And now, that we may know how early these characteristics displayed themselves in his life, and the impressions which they made as he passed through life's varied duties, I am permitted to read a letter just received by Major Goodwin from George William Curtis, his boyish companion and life-long friend.

WEST NEW BRIGHTON, STATEN ISLAND, N. Y.,

*Dec. 12, 1884.*

MY DEAR SIR, — Mr. Larned was one of my earliest friends and playmates. We were immediate neighbors in the city of Providence, where we were both born, close to Roger Williams' spring; and through all my boyhood he was my constant companion. From the first his taste for study and his intellectual interests were very evident; and the early necessity of earning his living did not relax his devotion to books nor interrupt his hope of going to college. His cheerful and equable temper turned all his tasks into play, and some of the pleasantest hours that I recall are those which I spent with him upon his rounds of duty. His mother encouraged and developed his literary tastes and stimulated his generous ambition, and the atmosphere of his home was always that of plain living and high thinking, sweet, healthful, and serene. The pleasant neighborhood of Providence of those days, the peaceful and historic banks of the Seconk, the

"Grotto," the woods at Fruit Hill, the still water above the "Cove," and the heights and the harbor below India Point, long sauntering summer days, picnics, serenades, endless walking and boating, are most happily associated with my old comrade.

The child is father of the man, and I can plainly see in my recollections of the boy all that Mr. Larned became. The cheerful self-reliance, the quiet sympathy, the acute perception, the hearty bonhommie, the generous appreciation, the natural inclination for the just and humane view, the strong practical sense, foretold in the child the efficient, public-spirited, high-hearted, trustworthy, conscientious citizen that you knew. After he went to college and left Providence I saw little of him, and our constant intimacy was never renewed. But the affectionate friendship of boyhood still continued, and I saw with delight, in the faithful discharge of his duty, and in the regard and respect of his fellow-citizens, how fully the promise of his youth was fulfilled. His views of public affairs were sound and conservative, and as it seemed to me, distinctively American. Their basis was strong common sense. Naturally he was of an ardent temperament; but he held himself firmly in hand, and for all that he said and did he could plainly give the reason. A certain natural candor and generosity made him just to those from whom he differed. He could indeed dissent without bitterness or suspicion; and in all things he had that charity which never faileth, and which the Apostle accounts the chief of virtues.

The last time I saw him was a memorable day. It was the day of the Centenary of the Phi Beta Kappa at Cambridge, when Wendell Phillips delivered the oration; and after the address and the dinner I had the

pleasure of introducing Mr. Larned to the orator. His delight in that characteristic discourse was very great, and his warm and eloquent expression of it to the orator was very striking. He too had the instinct, the ambition, and the skill of the orator ; and in the hearty tribute of the man, already of threescore, I saw all the unchanged generosity of the boy that I remembered. I did not know that he was ill, nor was there any sign of illness or apprehension in his manner. A few weeks before the end he sent me a printed statement of his views of the political situation, very grave and impressive to me as the thought of a man in full view of death at any moment, but calmly and cheerfully faithful to the duties of this life, as long as life lasted. I suppose that no member of your society knew your associate earlier than I knew him, and no man can know more truly than I how much nobleness of character is gone with him, nor cherish his memory with more affectionate regard.

Very truly yours,

GEORGE WILLIAM CURTIS.

DANIEL GOODWIN, Jr., Esq.

Of Mr. Larned as a Christian, it is not necessary that I should speak at much length here. Like all the outgoings of his interest and affection, his religion partook of the character of the man. Indeed, so homogeneous was his nature, so entire was his integrity, that his religion was the outcome of all departments of his thought and of all phases of his life. He was a man of clear and strong religious convictions, yet so large was his nature that even his most in-

tense religious convictions could not be narrow. Though a man of cultivated tastes and strong affections, yet the main avenue to his religious nature was through his intellect rather than through his emotions. Therefore there was always a lofty dignity about his religious life, which in a man less sweet and large would perhaps have been disposed to look with some disdain upon what seemed to him to be trivialities both of dogmatism and ritual. As it was, his religion could be fitly described as "sweet reasonableness," though for himself he was able to respond to the key-note of the highest worship struck long ago by the Master hand, "God is a spirit, and they that worship him must worship him in spirit and in truth."

Mr. Larned was a devoted son of the church of his affection and choice. He had a clear understanding of her comprehensive theology. He felt a proper interest in her manifold activities. He delighted to do his Master's will in deeds of charity and love. And what a noble type of the Christian man he was! As father, as husband, as brother, as friend, it was my privilege to mark and ponder how nobly he discharged all duties, and with what strength, simplicity, and grace he pressed on his way through life, blessing and being blessed. Gentlemen of the Chicago Historical Society, it is our high privilege to turn the pages of history; to meditate, to classify, to preserve the lessons recorded there. Let us not neglect the higher

privilege of reading divine lessons from the living page of a consecrated life. Let us not permit its character to grow dim with age, or to be removed into the misty past beyond our vision, before we learn the precious meaning of the life of our great-hearted friend, and catch something of the spirit of the sweet and knightly soul who never laid the armor of duty down till he left it in his tent, to go and be with God.

I am tempted to illustrate what I have said of the strength, perspicacity, self-collectedness, learning, and deep religious spirit of this man by reading you something from the last literary work that he did before his death. A new book had come out, and a wonderful book it was. Written in a most captivating style, in defence of religious truth and yet from the stand-point of science and in the terms of science, — I mean Drummond's "Natural Law in the Spiritual World," — the religious world was completely captivated by it and taken off its feet. Not so our clear-headed friend. In a masterly review he exposed the falseness of much of its reasoning, the enormity and harmfulness of many of its conclusions. And in doing this he set forth a theosophy so simple, so scriptural, so true, that it ranks him among the deep religious thinkers of the age. I wish I might read you something from this masterly paper. I am glad to know, however, that it is to be published in permanent form, and you will read it for yourselves. I am now permitted to



read you some extracts from two letters written, in view of this occasion, by two clergymen who, like myself, one before and one after me, were Rectors of St. James' Church, and were Mr. Larned's friends and pastors, — the Rev. Arthur Brooks and the Rev. Dr. Courtney.

MY DEAR MR. GOODWIN, — I was very glad to hear from your letter of the proposed meeting in memory of Mr. Larned. I wish that I could be there, and hear the various tributes of those who have known and valued him in so many different walks of life. In my memories of Chicago his presence is a constant one ; for there was not an interest in life there, which did not look to him for encouragement and support. In matters of religious interest you know how deep our sympathy was, and there has not been a year since I left Chicago that I have not enjoyed the pleasure of at least one conversation with him on the progress of religious life and theological thought ; and his warm enthusiasm, wise conservatism, and vigorous appreciation have always been a fresh pleasure and incitement. It was always the charming and rare combination of simplicity and depth which distinguished his Christian thought. His faith was simple as a child's, and he glowed with enthusiasm at the simplest declaration from any man of the Gospel of salvation. He knew the necessity and true nature of belief so fully that with the easiest effort he disregarded all attempts to bolster it up with human theories and dogmas. But when it came to the application of that faith to the needs of men and the growth of human life, his wide experience, his large reading, and his acute judgment all showed themselves, and he revelled in the many

aspects and rich colors which his faith displayed under all the new energies of the life around him.

He loved his life as the gift of a Father ; everything in it had interest for him. But never for a moment must anything in that life get between his Father and himself. Against any attempt to rob him of the simplicity of his personal connection with his God he was the staunchest Protestant, whether the attempt came from the Church or from the world. Whatever the Church or the world gave him which told of his God's power and love, he accepted and rejoiced in as his own rightful inheritance. In that he was such a man as our nineteenth century aims at, but too often fails to produce.

It is impossible that all those who knew him should not feel how great the loss of him is in both public and private life.

Yours respectfully,

ARTHUR BROOKS.

DEC. 11, 1884.

BOSTON, Dec. 12, 1884.

*To the Right Reverend the Bishop of Michigan :*

MY DEAR BISHOP, — I hear that there is to be a meeting on the 16th inst. in the Hall of the Chicago Historical Society in memory of the late Edwin C. Larned, and that you are to speak of him on that occasion as a literary man and as a Christian. It may possibly add to the interest of your address if I should give you a short personal reminiscence of him, as I had the honor of succeeding you in the Rectorship of St. James' Church.

After I had accepted the call, but was still discharging my duties in St. Thomas' Church, New York, one



day Mr. Larned called upon me, and extended to me the warmest greeting, assuring me of his heartiest support, and giving me at the same time much valuable information respecting my new duties, and the opportunities which would present themselves in the busy life of the vigorous community of Chicago. On my taking up my residence he was one of the first to stand by me and support me with both words and deeds in my plans for the parish ; and on every occasion he proved himself a true friend, a wise counsellor, an efficient worker, and a generous giver.

Whenever I suffer myself to indulge in a retrospect and think of my Sunday ministrations in St. James' Church, the two figures of Edwin C. Larned and Isaac N. Arnold are always present to my eye. Seated the one immediately behind the other, directly before me, as unlike in their mental as in their bodily characteristics, they were emphatically my most thoughtful, critical, attentive, and charitable hearers ; and I know that they alike valued and strove to apply to themselves the aspects of Divine truth which it was my privilege to present to their enlightened understanding.

We are told in Holy Scriptures that "the hoary head is a crown of glory if it be found in the way of righteousness ;" and certainly when that crown shines, with its silver radiance, upon one who was able to exemplify righteousness in so tender and amiable a way as he did, all appreciate the beauty of the symbol, and rejoice that such a man was so appropriately crowned.

I am inclined to think that, with his legal training, the intellectual side of Christianity had a particular attraction for him ; but I should be doing great injustice to his memory if I thereby gave any one the impression that his heart and feelings were untouched by it.

Not his will and understanding only, but his emotions and desires, embraced Jesus Christ as the Revealer of the Father, "whom to know is life eternal," and in the supreme manifestations of that love in the death upon the Cross he found at once the way to pardon and peace, to reconciliation with God, and the highest incentive to the copying of the example of self-denial for the good of others, in which he could himself become like the God and Father whom Jesus Christ revealed.

Active benevolence in alms freely bestowed upon all the needy of all sorts and conditions was one of his chief traits, and many must hold him in kindly remembrance for generous aid in time of need. But he was not contented to give money only, — he gave himself. It was to me, for many reasons, a moving sight to see him Sunday by Sunday taking his place in the school held in St. Ansgarius' Church, and conducting a Bible class of young women, — English-speaking Swedes. The profound knowledge, the ripe experience, the Christian wisdom, which were eminently his, were all brought to bear with a gentleness of manner and a sweet persuasiveness which commended them to his pupils, and linked teacher and taught in a peculiarly strong way.

My ministry of two years was all too short for me to hope to do much that would be permanent, or to give a chance for repairing the errors of inexperience ; but I should be willing to bear more than the results of such errors and of more serious mistakes, thinking myself more than compensated with the acquaintance, the friendship, and the Christian fraternity of Edwin C. Larned.

I have the honor to remain, my dear Bishop,  
Yours very faithfully and respectfully,

F. COURTNEY.

LONDON, Dec. 5, 1884.

DEAR FRIEND, — Your postal card only reached me to-day. I fear my letter will be too late for your purpose. It is a pleasure to send you my loving tribute to one whom I shall ever remember with love.

Mr. Larned became my parishioner very shortly after I went to Chicago. He first won my heart by his deep sympathy for the laboring classes. I never knew one who realized more deeply the brotherhood of men as children of one God and Father. He loved to talk about the sinless sympathy of our Saviour with sinners. It was the human side of the Gospel which called out his love for its Divine truth. He seemed to grasp with the intuition of a loving heart all its lessons of brotherhood. I do not think he was interested in the philosophy of religion, or in dogmas as dogmas; with all his scholarly taste and ripe learning he had a child's heart, and nothing so called out his love and faith as the words Jesus taught us, — "Our Father." He realized in his daily walk and conversation the prophet's words, "What is it, O man, the Lord doth require of thee but to deal justly, to love mercy, and to walk humbly with thy God?" He was always constant in his regular duties; he gave without ostentation, liberally and generously. In a word, he was, like Nathanael of old, "an Israelite in whom there was no guile." I never knew one who despised trickery more than he, or who had a greater dread of anything which could cast a stain on human character.

That such a man pitied the wayward and the sinful, that his hand was ready to help them to come back, was due to the lessons of the Gospel.

I shall always keep the memory of his noble char-

acter as one of the pleasantest of my life. We are all better men for having such a friend.

With kind regards, your friend,

H. B. WHIPPLE, *Bishop of Minnesota.*

And now, to conclude, let me recall to my own memory the look, the voice, the words, of our friend the last time I met him. It was at Saratoga, in the summer of 1882. I happened to be there for a day or two, and he and his family stopped there on their way to the Adirondacks. We met on the crowded veranda of one of the great hotels, and sitting down we had one more hour of such converse as he knew so well how to illuminate when talking with a friend. I can never forget his cordial, genial, soulful manner, as the greetings of friendship were exchanged, and as he spoke of old days and of the coming years. And then he talked of the varied themes of philosophy, statesmanship, religion, sweet charity, that his well-furnished mind delighted to ponder. The sunny hour was soon gone. I looked into his face for the last time, and for the last time felt the pressure of his strong and genial hand. He was gone; but I cherish the memory of that meeting as having left me gladdened, stronger, better. So of all that I knew of him, as I met him in his hospitable home, in the social and literary circle, in the hour of prayer in the house of God, in all the communings that we had together, I, his sometime pastor, lovingly declare that

in all my goings to and fro in this world's busy caravansary, where so many meet and part, I have met no one whose friendship has been a richer blessing to me than that of Edwin Channing Larned, whose soul has now returned to the skies.





## ADDRESS.

BY JUDGE HENRY W. BLODGETT.

FOR nearly forty years Mr. Edwin C. Larned has been known in this city and State as one of its most prominent and talented lawyers. He came to Chicago in the early part of the year 1847, a young man, unheralded by any position or rank achieved elsewhere in his chosen profession; but he brought a well-trained, cultivated mind, vigorous health, and the ardent hope and courage of early manhood. It was my good fortune to make his acquaintance very soon after his arrival, and to form a warm friendship with him which lasted until his death; and what I say here is from my personal acquaintance and estimate of him.

Our city was at that time young, its inhabitants yet in a formative stage; but the legal profession was already represented here by a galaxy of able men who had achieved high positions at the bar. With such men as Butterfield, Collins, Spring, Goodrich, Arnold, Scammon, Judd, and



others equally noteworthy, in advance of him upon the ground, he commenced the struggle which every young contestant for a name and place in the profession must encounter.

He arrived here at a fortunate period in the history of the city and State. The dark cloud of financial gloom which had rested on the State from the monetary collapse of 1837 had partially broken away. Business had begun to revive in Chicago, and a great tide of emigration was pouring into the Northwest, filling up the western prairies with homes and farms, and beginning the rapid development of the resources of the country which is one of the wonders of our age. The growth of Chicago was commensurate with that of the country which was tributary to it, so that the young candidate for occupation in his profession was not obliged, as in older communities, to wait for those who had become established in business to die or retire, but stood an equal chance with the old practitioners for employment by the new-comers.

Well equipped with preparation for his chosen work, he soon found opportunity for the exercise of his abilities, and his first effort at the bar demonstrated that he was indeed an acquisition to the profession. Within a very short time, compared with that now required for a young man to achieve the same place, he took rank with the foremost of the bar, and from that time to the day of his death, if any one acquainted with the standing of our lawyers



had been called upon to name half a dozen who were looked up to as leaders, his name would undoubtedly have been in the list.

He had been gifted by nature with much more than the average intellectual powers; and what was better, they embraced all the qualities which are called into action in the career of a successful lawyer. He could patiently and carefully possess himself of all the complicated facts bearing upon the rights of his client, and hold them well in hand, and at command for efficient use at the right time. He could, and invariably did, fully develop the whole field of the law relating to his cases; and with marked acumen and discrimination applied to his facts the principles which he deduced from his books. He never affected deep learning, nor was there any ostentation of authorities in his arguments and briefs; and yet his statement of principles was so full and clear as to make it evident that he had thoughtfully gone over the whole ground, and given the net result of his study, rather than a mere aggregation of cases and citations. He brought from his researches the threshed and winnowed grain, cleared of the straw and chaff which he found with it. He was, withal, an easy, fluent, and instructive speaker, methodical and clear in the arrangement of his facts and his law, and with enough of imagination and fancy to enliven, illustrate, and render interesting his discussions of even the driest cases. He had ready tact and judgment in the

examination of witnesses and in the marshalling of his proofs. In his arguments to the court and jury he was frank and candid, never claiming any controverted fact as established unless fairly justified in doing so by the proof. If a fact was controverted, and there was room for discussion, no one could be more ingenious in reasons for the support of his view and the enforcement of his position; and in cases raising controverted questions of law where there was a conflict of authority; and in cases where new questions were presented with no precedent or authority to guide or control, he was thorough, industrious, and acute, bringing to the discussion skilful criticism and copious learning.

He was employed in very many important cases where great interests and principles were at stake; and without enumerating his special triumphs, it is enough to say that he was always equal to the demands of the occasion, and did his full part in establishing those landmarks of the law by which the rights of parties are to-day construed and determined.

He confined himself to no specialty in his profession, but was alike at home in the fixed rules of the common law and the broader and more flexible principles of equity. In technical rules of practice and pleading he was well versed, and put his cases on paper with ample skill and readiness.

But the quality of his mind which at all times dominated, even in the heated contest of con-

flicting interests, was his love of justice and fair play. All who knew him could tell from his manner when he felt he was on the wrong side of the case; and in such emergencies he contented himself with presenting fairly what could justly be said in his client's behalf, and he submitted to the verdict or judgment without fault-finding or complaint. But when he felt that he had the right of a case his work seemed a labor of love, and all the latent energies of his mind responded gladly to his call. His love of justice led him to espouse generously and earnestly the cause of the poor and oppressed; and many of the best efforts of his life were in behalf of clients who were too poor to pay him, and when his only compensation came from his chivalric consciousness that he had helped the right and defeated the wrong.

But it was not only in the arena of the courts and contests at the bar that Mr. Larned's usefulness as a lawyer was illustrated. As a judicious friend of law reform he always favored such amendments of the law as made the course of justice more direct and sure, and lopped off worn-out and useless forms of practice which were no longer vital and necessary parts of legal procedure.

His influence was seen and felt in the preparation of several municipal charters enacted by the General Assembly of this State for the government of this city. In the legislation which from time to time became necessary to

organize new courts and expand the powers of others so as to meet the demands of the rapidly increasing business of the community; and, in fact, whenever a legislative measure was proposed which had for its object the better security of individual rights, the better protection of property, the development of the resources of the country, the education of the rising generation, or the general good in any particular, he was always a ready and efficient worker.

This was Mr. Larned as a lawyer; but it is hardly fair to his memory to discuss or attempt to describe him in any one sphere. As a lawyer, he was up to the best standard of his profession; but he was more than a lawyer. In the best sense of the word, he was a full-measured man and citizen; filling all the places of political, social, and professional life with rare ability, and a conscientious zeal, and an earnest and manly purpose which made his influence in this city, at the time when such influence was most needed, a constant force in behalf of justice and good government.





## ADDRESS.

BY FRANKLIN MACVEAGH, Esq.

*Mr. President, Ladies and Gentlemen :*

ONE could hardly think any occasion more fit than this. This Society, representative of what is most lasting, of what is making valuable history and valuable forces in this strong young city, could not well do better than to accent the value of such a life and character as Mr. Larned's; for he is an example of how one may harmonize the pursuit of competent wealth with the duties of religion, society, and citizenship, and how the result of this harmony must be success and happiness.

It is a striking thing that even in Chicago, where the pursuit of riches is as absorbing as it has ever become in any place or time, the moment the breath is out of a man's body his mere wealth ceases to do him any honor. We who spend our lives in money-getting have yet an instinct which prevents our praising it except among the living. Unless something else can be said of a man than that he made money,

he is inevitably buried in silence, and passes out of the thoughts of the community, even out of the thoughts of his friends. Memory, like everything else, can only live upon wholesome and sufficient food.

Mr. Larned's example is so valuable because he had the right measure of the aims of life; and because he lived usefully, not only through good works but by good example. Mr. President, we must have more and more men and women living such lives. And therefore, I take it, and not alone to express our affection for Mr. Larned, we do him public honor. He was a man to whom very many hearts went out; and the first thought of his friends is to relieve their burden of sorrow in expressions of affectionate testimony to his virtues. But he was a man who would himself seek to turn everything to public good; and so we should seek to get the benefit of Mr. Larned's life and character. Let my few words then about this many-sided and pure gentleman be with the double purpose of expressing something about his relations to philanthropy and citizenship.

In both of these he was always active. The leading thing to be noticed here is that activity in these ways is a stepping outside of mere personal integrity, outside of mere personal refinement. It is no small thing to be a man of good life. It is still more to be a man of good and refined life, — to be, that is, a man of the higher life, even though his example must be



sought out. But philanthropy and citizenship take a man out of mere selfishness, however enlightened, and put him in a larger sphere. They widen not alone his sphere, however, but his character and life. A spring of water in the recesses of a mountain may be perfectly clear and wholesome, and to the infrequent wanderers among these seclusions may be all a spring can be. But to be widely useful, a spring must be a well of water to the people. So a man of exemplary virtues must stand among his people, or in some way speak to them, to answer fully the demands of his own nature. This Mr. Larned did. He did it so well that it became a part of the habitual consciousness of the community that Edwin C. Larned thought of his neighbor as he ought to think, and of his public duties as he ought to think. He thus came to stand for a very great deal in Chicago. His character and life had made him a recognized force.

Let us recall one memorable incident in his life,—his return to Chicago in 1871. The great trouble of Chicago had come upon her in a night. This light-hearted favorite of fortune suddenly became the most stricken community in the world. In her sterner climate and upon her plainer shore she had dreamed as little of misfortune as Pompeii in the careless air of Italy upon the hopeful shores of the Bay of Naples. And to her, almost as to Pompeii, in a night came desolation. To a large



part of her people all that had slowly accumulated into the fact of home was obliterated as a storm obliterates the tracks in a desert. Her misfortune was great; but the world took her to its heart, and from all directions and from every distance came sympathy and help. In the van of this great succor Mr. Larned came, and coming stayed. He too had suffered roughly,—so suffered that years were necessary to the repair of his fortune. But for many months he gave himself entirely to aid the suffering people. He was a conspicuous member of that great Society of Relief and Aid which made a chapter in the history of Public Charity that will long be unsurpassed,—a great charity full of judgment,—charity and wisdom combined,—charity, wisdom, and high character combined,—charity, wisdom, high character, and faithful labor combined. No leading spirit in that great enterprise should be buried without honors.

And as in charitable and friendly works, so he was in citizenship. Out of our wholesome and helpful public movements, an important leader has gone. He knew, however any of us may seem to know it not, that to be a real citizen and not merely a nominal one, to be a part of the helpful forces of public affairs, is not simply doing one's ordinary duty, but is living well one's life. He knew the meanings of citizenship and its associations. He took a part of his inspiration from a knowledge of history

and a feeling for history. Citizenship is not a commonplace thing. It cannot be made out of universal suffrage except as a rudimentary form. Its perfect form grows out of knowledge and the wise love of freedom. He knew, too, that it lies upon a good man's conscience to be helpful to public life. Certainly a man here and there may justify to himself and to you and me his neglect of public affairs in a free country; but he must render an exceptional account of himself.

I often think of two great Florentines who, as nearly as two men could be, were the mediæval sources of the great streams of modern literature and art. One of these, the greater of the two, had the sense of citizenship incorporated into the very structure of his manhood. This was Dante. He threw his life into the turbulent politics of Florence, and would as soon have thought of being a poet without first being a Florentine as of trying to live without food. Citizenship was one main stimulus of his noble spirit. The other of the two was Giotto, who went about his work in Florence utterly unmindful that the air was surcharged with the lightning of party strife. He had come into art from the hillside pastures, and his shepherd nature clung to him and at last sat with him upon the solitary heights of his fame. He never became a citizen. He and Dante grew into a twin glory of Florence. But if Giotto was unmoved by the public life around him, he stands excused by the noble inspirations of his art, by the wholesomeness of

his nature, and by the work he has done for every century since his own. Such a man may well do what he likes. And yet Dante's genius gained an inspiration, from its love of the State, which carried its works higher far than even the glorious tower of Giotto.

Mr. Larned understood these things well. He knew that in being a good citizen he was in good company. He knew that it linked him through the ties of history to the fellowship of the best. But he did not get his motive here. He was a good citizen, as a matter of course. It was born in him as it was in Dante. Many of you readily recall instances out of which in part grew Mr. Larned's fine public standing and reputation. For me it is enough to mention, after Mr. Goodwin's elaborate and just address, that I knew him intimately in his relations to the Citizens' Association when in 1874 and 1875 it was set to do with its untried strength a political work as large and difficult as a volunteer body ever, I believe, had to do. He had again just returned to the city, this time to resume the burden of work made necessary by his losses in the Fire, when he was summoned to this new dedication of his time and energy. He was hard pressed, but he could not and would not deny the call. I have said upon another occasion, and now repeat, that the closest scrutiny could not detect a difference of energy or intensity between his work for himself and his work for the public. He had that quality of true citizenship, — that

quality of a true man. No co-laborer of his in the work I have referred to will ever forget the value his character lent to his service. He had become so fine a figure in our community that his nominal connection with the movement was itself an important aid; but to this he added freely of his labor, his wisdom, his knowledge.

Thus, with whatever was most disinterested in public affairs or public charity, with whatever was most unselfish in the activities of the community, with whatever we are most willing to honor in the short history of our city, Mr. Larned's name, if not actually connected, was, in the mind and sentiment of the people, habitually associated; and with nothing less worthy was his name ever associated.





MR. LARNED'S family gave a portrait of him to the Chicago Literary Club, because he had always taken a strong interest in that institution and was at one time President of it. The portrait was painted by Lawrence C. Earle, of Chicago, and was presented to the Literary Club at the same time with one of Judge Lawrence, also by Mr. Earle. The evening of the presentation was the twenty-third of March, eighteen hundred and eighty-five. The address of presentation was made by General A. C. McCLURG, and was as follows : —

*Mr. President, and Gentlemen of the Club :*

THIS Club may well be called fortunate in its presidents, when two such men among them are commemorated in one evening as Judge Lawrence and Edwin C. Larned. The memory of the one has been so well presented that I am forced to wish that the grateful task of speaking of the other had been committed to some more practised tongue. But you all knew and loved E. C. Larned, and I am sure that your hearts will say and feel all that my words fail to express. It was my fortune to see and to know Mr. Larned very early in my first experiences of Chicago life. That was in the early days of the war, when every young man

was revolving in his own mind and for himself the grave questions: "Shall I go into this terrible contest? Must I break up my plans of life? Must I abandon my chosen pursuits and give up my small but dear ambitions to go one knows not where, to meet one knows not what, to return one knows not when, if ever?" Few here to-day realize what to many then those mental struggles were. The

"Pride, pomp, and circumstance of glorious war"

counted for little then; but the words of older men in whose hearts was burning the intensest love of their country counted for much. Among those men none spoke with more ardent patriotic emotion, more zealous faith and confidence, or more fervid eloquence than Mr. Edwin C. Larned. It was for the younger and unfettered men to go, but it was for him to plead for his country at home; and in such labors he was always unsparing and abundant. Few single arms in the field could do for their country what one such man as he did single-handed and single-hearted at home. Always an Abolitionist when to be an Abolitionist was to court sneers and contempt, always the friend of the slave and the lover of liberty, his whole heart went out in impassioned appeals for his country, her government, and her defenders. Then, as always, he was on the side of the right against the wrong, and, as it seemed at first, of the weak against the strong. None who knew the man then ever ceased to love him and to re-



spect him. Quieter times came ; and still, in small things as in great, his heart responded always to the right. Wherever there was a contest between right and wrong, there was he in the midst of it. Even in the acrimonious and ungracious contests of his small political Ward Club he could always be found on the side of right, no matter what odds were against him. Here was your true hero, your true gallant knight. This was the side of his character which this Club, as a club, saw but little of. Here we knew him as the scholar, the Christian, and the gentleman, the lover of whatsoever was best in books and literature and art. Here we heard his easy conversation ; we met his cordial gracious greeting, given with that sunny youthfulness which few men preserve through the hard conflicts of an active life as he did. Here we saw him preside with that easy, quiet dignity which was so natural to him. Throughout a long life he was never a seeker after honors for himself ; and I am told that the presidency of this Club of his friends was an honor which touched him deeply, and to which he always referred with the greatest pleasure. If he was proud to preside over us, well may we drop many a tear that his gracious presence will be known no more forever among us. Gentle, simple, honest, and truthful, he seemed to be ever following the injunction, "Whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatso-

ever things are of good report, if there be any virtue, if there be any praise, think on those things." That sentence from the greatest of literature and the best of books seems to me to embody the secret of the power of his life and character. What more need be said?

And so, Mr. President and Gentlemen of the Literary Club, on behalf of his family, I present to you this faithful and speaking likeness of a noble man and gracious gentleman, our former friend and President. Long may it hang upon our walls, inciting us by his memory to gentler, truer, nobler speech and acts and lives!

Dr. CHARLES G. SMITH, the President of the Club, responded as follows : —

*Ladies and Gentlemen :*

IT is my pleasant duty to-night to express the great gratification which the members of this Club feel at the reception of these faithful and finished portraits, and to express to the donors the grateful thanks of our members. It is a matter of congratulation that art as well as literature finds a home with us here, and that these paintings are the work of one of our most esteemed members. I may say in passing, too, that there are other works of art here, — some sculptures by one of our members which are worthy of the attention of our guests and the Club. I can add nothing to the fitting tribute which has been paid to the memory of our friends. We all feel how true are the words

that have been spoken. The sweet remembrance of the just shall survive when they sleep in dust. As we look upon these faces we shall think often of the times past, when their wisdom guided our councils and their wit enlivened our meetings. We have noticed lately that the tower on the Chamber of Commerce is higher than that of any church, higher than that on any educational institution in all this great city. I hope it is not a type of the future of Chicago. I hope, in the good time coming, that the Chicago Public Library will have a building of its own, commensurate with its needs and with the needs of Chicago. I hope that the Literary Club, in a home of its own, well filled with pictures and books, will show by its influence that there is something grander and better in a great city than mere material prosperity.







MR. LARNED'S argument on the trial of Joseph Stout under the Fugitive Slave Law is appended, as at once an example of his manner of speaking upon great public questions which interested him deeply, and of his legal ability in presenting the case of his client to a jury.

## ARGUMENT

OF E. C. LARNED, ESQ.,  
*Counsel for the Defence,*

ON THE TRIAL OF JOSEPH STOUT, INDICTED FOR RESCUING A FUGITIVE SLAVE FROM THE UNITED STATES DEPUTY MARSHAL, AT OTTAWA, ILL., OCT. 20, 1859. DELIVERED IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, MARCH 12 AND 13, 1860.

### *Gentlemen of the Jury:*

It was a fitting exordium to such a prosecution as this, for the Attorney of the United States to attack the Declaration of Independence, and seek to explain away and destroy the full meaning and effect of those principles which lie at the foundation of that liberty which is the most precious birthright of every American citizen.

Nor was it unnatural, gentlemen, that at the same time he should seek to enlist in support of his case those

principles of natural justice and right by which, as the highest in our nature, men are ever guided in forming their judgment of human action ; for it is not a pleasing duty for any man to ask a jury to convict a man as a criminal for an act which has no guilt save that which is found on the pages of the statute book.

It was not strange, gentlemen, that he should bring before you the names of Webster and Clay, of Washington and Jefferson, and seek to borrow from the reflected lustre of these great and illustrious men something to lighten the character and take from the odium of this prosecution. But yet, gentlemen, it is in vain for him to travel out of the record to gain any support for the cause which he advocates.

Only in the letter of the statute, only by the force of the enactments of a law made by men, and binding upon courts and juries, and not by the force of any considerations of what is just and right under the higher and everlasting laws which are written by God in the conscience and moral nature of man, can he find any sanction for a verdict against the defendant at the bar.

Gentlemen, in the nineteenth century of the Christian era, in the Republic of the United States, in the free State of Illinois, a man of unblemished character, a man known and beloved in a city which his intelligent industry has aided to build up, and his high moral qualities have contributed to adorn, sits at the felons' bar of this court, and is on trial as a criminal.

And the offence—the *crime* alleged against him, and for which he is thus arraigned—is that he has aided a fellow-man in his effort to obtain his liberty. It is charged to be a crime in that Republic whose foundations were laid in those great principles of liberty, equality, and the rights of man, of which the Declara-



tion of American Independence is the fullest and noblest national expression, to aid a fellow-man in seeking to secure for himself that blessed boon of liberty to which every human being is by virtue of his manhood entitled.

Regarded outside of and independent of the statute book, viewed by the light of those principles of conscience, — that higher law of universal right and justice, which, however it may be scoffed at and despised, every true man reverences as far above all mere human enactments, — the act which is charged against the defendant would be approved as a virtue, not condemned as a crime.

For surely to extend a helping hand to the oppressed, to aid the friendless and despised outcasts of human society, to give the word of sympathy and the hand of kindness to the forsaken, forlorn, friendless slave on his way to liberty, would be an act of humanity and of Christian charity which would bespeak a generous and noble nature; and commend itself to the best and holiest instincts of the human heart.

But it is said by the Attorney for the Government that this man was a *slave*, and therefore had no right to his liberty, and that the acts of those who aided him to secure it were no better than highway robbery; and he has summoned to his aid in this argument the compromises of the Constitution, the compacts of the Ordinance of 1787, and the laws of the Federal Government enacted (as he claims) for the fulfilment of these compromises and compacts.

Gentlemen, did the idea occur to you when the learned gentleman was discoursing upon those compromises and compacts, in behalf of which he sought to awaken your patriotism and love of the Union, that

the slave is no party to your constitutions or your compacts, that he has never given his assent to your ordinances or your legislation?

Did it occur to you, when the learned counsellor was discoursing upon the sacredness and antiquity of the great right of property, and invoking your sense of justice and right against the violation of this right, that there was a right older and more sacred than the right of a master to a slave,—*the right of the slave to himself?*

The right of a master to a slave is the right of power. It is the right of the strong over the weak. It is *might*, not *right*.

The right of a man to himself is by a deed of gift from the great God who created him, and of which no human power or authority can rightfully deprive him.

It is written by the hand of the Almighty on the brow of every human being whom he has formed in his own image, into whom he has breathed an immortal soul, and who, by virtue of these divine prerogatives, has become *a man*.

There is no right of property as ancient as this, for it dates back to the first moment of creation. There is none so sacred, for it is conferred by Him who is the Maker of all things, and to whom all belong.

It is said that the negro is a degraded being, that he belongs to an inferior race; and his physical and mental inferiority have been the subject here of ridicule and contempt. Grant that it is so; grant that he is weak, abject, miserable,—that he is wanting in every quality to excite your admiration or enlist your interest or sympathy. In what code of ethics, in what system of philosophy, in what form of religion, does the learned gentleman find that weakness, ignorance, and

destitution furnish an excuse for oppression and injustice? If a man is deserted, forsaken, without home, fortune, or friends, weak and miserable, having no power to defend himself and nothing to reward the defence of others, does not this very weakness become, in every noble nature, the most eloquent appeal against injustice and outrage?

I care not how degraded the African race may have become through the long centuries of dark and cruel bondage in which this unhappy people have been made the victims of oppression. I ask of the learned gentleman who has sought so eagerly to excite the bitterest prejudices of caste and race against them, and to picture them before you in so debased and degraded an aspect as to turn away your sympathy and deaden your sensibilities toward them, — I ask the gentleman to answer me but one solitary proposition: Is the negro a *man*? If he is not a man, — if he is a mere animal like a horse or an ox, if no human heart beats in his bosom, if he has no fears or hopes or affections, if he has no feeling of love or hate, no conscience to be touched with the sense of right and wrong, — then the gentleman is right and I am wrong in my reasoning.

But if he be a man, — if he has a human nature, if he was created by the same divine hand and after the same divine image in which you and I were formed, — then I read, in that Book of books from which I have learned the lessons of duty and the principles of my moral life, that God made of one blood all nations that dwell upon the face of the whole earth, — that we are all the children of one Father, and that all men are brethren. Are we not all sharers of one common humanity? Are we not all to be redeemed by the same infinite Saviour, and heirs of the same glorious

immortality? If so, then is every man, be his skin white or black, whatever his country, his birthplace, or his condition, my *brother*, — brother not in equality of condition or capacity, but a brother in the great human family of God ; and by virtue of his manhood, in the right of that divine humanity which is before all law and above all law, do I declare that he has the right to himself, — that this right to himself is the highest of all rights, of which no constitutions, no compacts, no compromises, no legislation, can rightfully deprive him. There is, there can be, in the nature of things no right which can be superior to the right of a man to himself.

I maintain, then, that when a man held as a slave strikes out for freedom, when he has the courage and the manliness to vindicate for himself the great right of his humanity, that he is committing no wrong upon his master, no wrong upon any one ; for his right to himself as far transcends that of his master to him as the laws of God transcend the laws of man. He has the right to his freedom if he can obtain it without violence and blood, without destroying the lives or liberties of others. He has the right to flee from bondage and turn his steps to a land of liberty. Nay, not only has he the right, but if he be not the brutal, degraded being which he has been pictured here, if he have within him the first faint conception of what it is to be a slave and what it is to be free, he will do it ; he will never surrender himself to life-long slavery without a struggle to escape.

And in that struggle for liberty he will have the sympathy of every man who has a heart to feel. Why, the whole history of man through all ages is a history of struggles for liberty, — a history written in tears and

blood, a history out of which have risen the heroes of our race. And do those records of heroism and self-sacrifice in the cause of liberty which have enlisted our admiration and shed such glory over the history of man, depend for their power to move us upon the question whether the actors in those great struggles had a skin whiter or darker than our own? Is there nothing to move our sympathies, to thrill us with intensest interest, to kindle our admiration in the narrative of the struggles and hardships and sacrifices endured by these poor, despised, hunted outcasts, in their flight from slavery to liberty?

I tell you, gentlemen, much as we plume ourselves upon the superiority of the white race, and flippantly as we talk of the inferiority of the colored race in America, that if the secret history of the age we now live in could be truly written, some of its grandest heroism, some of its noblest examples of devotion, fidelity, fortitude, and self-sacrifice, would be found in the narratives of men belonging to that oppressed people, who have wrought out for themselves, by their own fearless courage and unyielding resolution, a deliverance out of slavery into the life and light of liberty.

Have you read any of those narratives? If not, you know not the strength and intensity of the longing of the human heart for liberty. You know not what a man will do and dare to secure it. Why, there is no form of human suffering which these men have not braved for its sake. They have encountered the wild beasts of the forest; they have wandered weeks and months alone in desert places, hiding in dens and caves, famished with hunger, their pathway tracked with their blood. They have lain in the holds of



ships, without food or drink, for days, in darkness and solitude, with scarce air to breathe ; they have clung to the rudder-chains of ships, and sat through the weary days and dark nights, with the waves beating over them, clinging for life and liberty, — preferring death to slavery. Romance can depict nothing of the heroic in human courage, or of the terrible in human suffering, which the reality of these narratives does not transcend.

Tell me that the best and warmest impulses of good men are not moved toward these struggling heroes of a down-trodden race ! Tell me that the charity and love which stretch out the hand of sympathy to the needy and suffering has its source in the color of a man's skin ! No, gentlemen ; you may pass laws, you may impose penalties, you may fine and imprison and hang men, if you please ; but until you blot out of the human heart everything that is generous, kind, and noble, you can never make men feel that it is a crime to give a hand of kindness and a word of encouragement to the poor hunted victim of slavery on his way to liberty.

Why, we are told that the escape of a slave is a robbery of the master, and that we put ourselves on a level with thieves and plunderers in aiding him in his flight. The robber takes the property which belongs to another, and appropriates it to his own profit. If the slave has a right to himself which he has never surrendered, it is clearly no wrong in *him* to flee from slavery to liberty ; and if not, then to aid, comfort, and assist one who is doing right, can by no sophistry of evil be proven to be wrong.

Why, it is only within the present century that the Dey of Algiers held numbers of white men as slaves.



These men were the lawful spoils of war, — they were his slaves by the same law of force by which the African race is held in bondage to-day in America. You have read of some of the heroic attempts of some of those white captives to slavery to escape from bondage. You have been thrilled with admiration at their daring, and touched with sympathy by the story of their sufferings. You remember the efforts which were made by brave and noble men to aid them to escape. Did it ever occur to you, as you lingered with intensest interest over the narratives of the escape of these men, that they, and those who aided them, were committing highway robbery on the Dey of Algiers?

Does the fact that the color of these men's skins was whiter than that of those held in bondage in America, alter the principle? Do questions of morals, the laws of conscience and of right, change according to the changing hues of the human complexion? If so, how would the argument stand if the proposition were carried into effect, which has been repeatedly discussed in several of the Southern States, of turning the entire poor white population into slaves?

I know, gentlemen of the jury, that it is the fashion of the day, and especially with those who represent the Government of the United States, to sneer at liberty, to ridicule those great rights of man which have been won from tyranny by the struggles of brave and true men through the centuries of the past, and especially to cast the most contemptuous obloquy upon those who contend earnestly for the freedom, humanity, and just rights of men whose skin is darker than our own.

But I have learned from the study of history the lesson that the first step to the loss of a people's liberties is to cease to prize them, and that the first

effort of those who desire to steal away a people's rights is to infuse into the popular mind an indifference to all questions of right and freedom ; to bring over it that cold and hard selfishness which regards nothing as important which does not affect the special personal comfort and welfare of the individual ; to class as enthusiasts and fanatics all men who have faith in principle, in duty, in religion, — all men who believe that liberty, humanity, the rights of man, are great realities, and not unmeaning words. But, gentlemen, I care not for the ridicule or the reproach of men like these. Call me by what name they please, — fanatic, enthusiast, or that other word which seems to them to comprehend the sum total of human depravity, abolitionist, — I will, whenever and wherever the occasion offers, stand up and vindicate the great rights of humanity, the right of a man to himself, the "inalienable right" of every man created in the image of God, with which he was "endowed by his Creator," and which is as indestructible as that nature itself, to "life, liberty, and the pursuit of happiness."

I maintain therefore, gentlemen, that the act charged here as a crime, for which this defendant is arraigned before you, would, independent of any statutory prohibition, approve itself to every true man as humane, generous, and worthy of all commendation.

But I am well aware, gentlemen, that it is not your privilege in this place, and before this tribunal, to judge this man's action by those higher laws of conscience which alone give to human conduct its true character.

This defendant is indicted here for a violation of a statute of the United States, the Fugitive Slave Act ; and in this presence the statute book is the supreme law for all of us.

That act, odious and offensive as it is in the estimation of many good men, is the law for this court and for this case. It has been pronounced to be constitutional by that tribunal whose decision is obligatory upon this court ; and although, were it a new question or open for discussion, I think it would not be difficult to suggest strong reasons to the contrary, yet such a discussion would be out of place and to no purpose at this time ; and I concede, therefore, at the outset, the validity of this statute and its binding obligation upon all citizens.

But while I have no right in this presence to question the constitutionality or binding obligation of this law, I have the right, and it is my duty, to call your attention to those provisions of this law which make it dangerous to the liberties of freemen ; for it is upon the existence of these very dangers that I shall base a material portion of the defence in this case. I shall demonstrate to your entire satisfaction, before I close, that it is to the exercise of those undoubted rights and to the discharge of those unquestionable duties which the dangers I have referred to impose upon every citizen, that the great part of all the acts committed by this defendant, which appear in evidence in this cause, is justly to be referred.

The Fugitive Slave Law of 1850 is based upon, and purports to be, a carrying into execution of the second section of the fourth article of the Constitution of the United States, which is as follows : —

“3. No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor ; but shall be delivered upon claim of the party to whom such service or labor may be due.”

It was asserted by the learned Attorney for the United States, that this article formed one of the compromises of the Constitution, without which it never could have been adopted ; and this remark was made the basis of some very eloquent appeals to your patriotism and love of the Union. I am well aware that this remark has been made before, and is supported by the dicta of several learned judges ; but it has been made in a general way, and in connection with the whole subject of slavery in its relations to the Constitution, and it is so untrue to the recorded facts of history, about which there can be no dispute, that I think it proper to give a few moments to its consideration. I deny that this provision in this article for the right of reclamation of slaves throughout the States ever was one of the compromises of the Constitution, or that it constituted any subject of contention or difference in the Convention that framed that instrument. On the contrary, the article in question was adopted unanimously, and without eliciting any debate or dissenting opinion in regard to it.

The great subjects of difference which divided the Convention, and which resulted in what are so often called the compromises of the Constitution, were three : —

1. The question of difference between the power of the large and small States in the Federal Government, which was compromised by giving to the small States an equality in one branch of the Legislature, while the large States were represented in the other according to their population.

2. The demand of the States where slaves formed a large element in the population, to have the population on which the representation was to be based

include the slaves, which was resisted by the other States as anti-Republican and unequal, and was compromised by yielding to the slave States the right to include three fifths of the slaves in estimating the number of the population on which the representation should be based.

3. The third was the foreign slave-trade, which was repugnant to the conscience and sense of right of many of the delegates, but was warmly insisted upon by several of the Southern States.

This was compromised by agreeing upon a specific year, the year 1808, before which time no authority to restrict the slave trade should be exercised, but giving the power to restrict it subsequently.

These were the compromises of the Constitution. The subject of the surrender of fugitive slaves was not a matter which even excited the attention of the Convention until nearly the close of their labors.

The Convention commenced its labors in the latter part of May, 1787, and concluded them early in September of the same year.

In all of the seven different draughts of a plan of a Constitution, several of which were submitted by Southern men, — one by Mr. Pinckney, of South Carolina, and one by Edmund Randolph, of Virginia, — there was no provision whatever in regard to the surrender of fugitive slaves.

On the 6th of August, 1787, the Committee reported the finished draught of the Constitution, which contained no provision on the subject. It was not until the 28th day of August, a short time before the close of the Convention, that Mr. Butler and Mr. Pinckney, of South Carolina, moved as an amendment to the article respecting fugitives from justice, to require fugitive slaves to be delivered up like criminals.



Mr. Wilson, of Pennsylvania, objected to this on the ground that it would oblige the Executive of the State to do it at the public expense ; and Mr. Sherman, of Connecticut, upon the ground "*that there was no more propriety in the public seizing and surrendering a slave or servant than a horse.*"

Mr. Butler then withdrew his proposition for the purpose of preparing a special article that should be free from objection. (See Madison Papers, pp. 1447-1448.)

On the 29th of August the article, as it now stands, was offered by Mr. Butler and adopted without objection.

The whole idea that it was any matter of difference or dispute, or was the subject of any compromise, or formed any barrier to the formation of the Constitution, is utterly at variance with this plain and undeniable statement of facts.

Now, I have never denied and will never deny the obligation of any provision of the Constitution of the United States. But what is the obvious meaning and intention of the clause in question? What is the compact into which our fathers entered and by which we are bound? It was this: that the right of property in slaves should not be destroyed by the legislation of the States, nor lost by the escape of the slave into States where slavery was not recognized as lawful.

At the time of the adoption of the Constitution, the Somerset case had been decided in England ; and it had become one of the settled, established principles of the common law of that country, as expounded by its highest courts, that slavery had no foundation in the law of nature or the law of nations, — that it was dependent wholly for its existence upon local, municipal



regulations, having no force outside of the territorial limits of the jurisdiction where they were established. Now, if this clause had not been inserted, what would have been the result? Why, the moment a slave entered into a free State, he would have been a free man. But to prevent such a result as this, it was provided by this article of the compact that the right in slave property should not thus be destroyed. It was permitted to the slaveholder to set up and establish, in the free States, his right of property in escaped slaves, and obtain their reclamation under the law,—a right which, without this express provision, he could never have enjoyed.

That right was secured to him by the Constitution; but it was ever intended to give to the owner of slave property rights and privileges in the establishment of title to, and obtaining possession of, such property under the law, which was not given with reference to any other species of property? Did they mean, in behalf of this property in man,—which was regarded as so contrary to all natural law, so opposed to the conscience and moral sense of mankind, that the great men who framed the Constitution refused to allow the word “slave” to appear in that instrument, which they regarded as a great charter of liberty,—to overthrow all the long-established modes of procedure, the laws of evidence and modes of trial which the common law of the country had for ages provided for testing questions of personal right and conflicting claims of property?

Now, why is this Fugitive Slave Law so objectionable in the estimation of a very large portion of the best and most intelligent of our citizens? Is it because they are unwilling to carry out in good faith this compact of the Constitution? Not at all. They are

opposed to slavery ; but they regard it as an institution which is practically beyond their control, and they feel the obligation of the Constitution as imperative.

No, gentlemen, it is because they regard the provisions of this law as most dangerous to the rights of free-men. It is because this law violates all those great safeguards for the security of personal liberty, which they regard as no less sacred and important than the Constitution itself. It is because this law permits a subordinate, inferior class of magistrates, whose only right to act at all is based upon the shallow pretence that they do not act as judges, to give a judgment which decides finally and forever the great question of man's liberty. It is because that highest of all human rights, the right of a man to himself, is allowed to be taken away, and a man made a slave upon *ex parte* evidence, given in a summary way, without even the sanction of a court or judicial officer. It is because the right of trial by jury—that greatest of all the securities of life, liberty, and property of the citizen—is denied under this law.

Is not this a most just cause of dissatisfaction with this law?

If a Southern man claims a bale of cotton found in the State of Illinois to be his, and his claim is contested, can he take and carry it away? How, alone, can he obtain the right of the possession of the disputed property? Only by the judgment of twelve men,—sworn as you have been sworn to determine the conflicting claims of the parties according to the laws of the land and the sworn testimony in the case, given under all the forms and sanctions of a court of law. Now, is not the question of a man's freedom of more value than a bale of cotton?

Is the greatest of all human rights to be passed upon, without judge or jury, by an inferior magistrate who could not lawfully decide upon the right of property in a dog or an ox?

It is this great outrage upon what is regarded as the most important of all the securities for the liberty of the citizen, which constitutes the principal objection to its enforcement. Out of this defect springs most of the excitement which is aroused whenever and wherever it is sought to be executed throughout the free States, and which will continue to exist until these objectionable features of the law are removed. It is from this cause that such prosecutions as these in which we are now engaged arise.

My word for it, gentlemen, if this law gave a right to have the question of a man's freedom tried before a jury of twelve men, under all the solemn sanctions of a court of justice, determined by legal and competent evidence, given openly and with that right of cross-examination of witnesses so essential to the discovery of truth and the exposing of falsehood and fraud, and the fact that the man was a slave were established by the verdict of the jury, — my word for it, that a certificate under the broad seal of this high tribunal, setting forth such judgment, would enable the claimant to go from one end of this State — ay, of this whole country — to the other without interruption or molestation.

Why was not such a provision inserted in this act? Is it not demanded by every principle of justice and right? Is there any possible ground of reason on which it can be maintained that a freeman of a free State should be deprived forever of his liberty, without "the judgment of a jury of his peers, according to the law of the land"?

The learned counsel for the Government have invoked, in behalf of this law, the great name of Daniel Webster. They have eulogized him as the great intellectual giant of the age, the most illustrious expounder of the Constitution. I summon that distinguished name in support of the objection which I am urging against this law.

Mr. Webster himself prepared a Fugitive Slave Law, such as, in his view, it was proper for Congress to pass to carry out this clause of the Constitution in a lawful and proper manner. He rose in his place in the Senate, on the 3d of June, 1850, and stated "that the subject of preparing a bill respecting the reclaiming of fugitive slaves had engaged his attention at an early period of the session ; that in pursuance of this purpose he had conferred with some of the most eminent members of the profession, and especially with a high judicial authority who had more to do with questions of this kind than any other judge in the United States."

This bill, thus prepared by that great statesman himself, contained a proviso, giving a right of trial by jury to determine the question of freedom or slavery. Under the act framed by Mr. Webster, there would have been no difficulty and no excitement. It would have commended itself to the calm judgment and good sense of the country, and could have been executed without serious interference.

I am not unmindful of the fact which will be urged in reply, that Mr. Webster did, at a subsequent period, give his countenance to the law we are now considering ; but it is clear that the law which he prepared himself, giving a jury trial, had the approval of his best and most deliberate judgment ; and although he yielded

his support to this law of 1850, yet it was at a time when the weak ambition of place and power had taken possession of his nature. He had forgotten that noblest saying of a noble man, — “I had rather be right than be President.”

It is the danger of men in public life to be dazzled by the tempting prizes of worldly honor. They forget that offices and honors are but for a day, and that a true and enduring fame can only rest upon services to the great rights and interests of humanity. They forget that while the names of men who sat in the high places of power in England, and enacted unjust and oppressive laws, and of the judges who became the willing instruments of their execution, have been forgotten, or remembered only to be execrated, the names of Hampden and Sidney, men who were punished as criminals for resistance to such laws, have been enshrined for centuries in the grateful remembrance of mankind, and will be as shining lights forever in the pathway of human history.

But, gentlemen, not only does this law deprive the citizen of the benefit of a trial by jury to pass upon the great question of his right to liberty, — not only does it allow inferior officers, not claimed to have any judicial character, upon *ex parte* evidence and affidavits, and after a hearing required to be of a *summary* character, to condemn a man found in a free State to be a slave for life, — but there is a further provision of the law which ties up and controls the action of these commissioners themselves, in a manner so opposed to every principle of justice, so liable to be made the means of the grossest fraud and villany, that it seems almost beyond belief that such a provision could have been enacted by the representatives of a free people.



The tenth section of this law authorizes an *ex parte* record to be made up in the court of a slave State, in the absence of the party to be affected by it; and this record thus made up is, by that section, made *absolutely conclusive* of the fact of the man described in it being a slave.

That I may not mistake or overstate about this matter, I will read you the section itself: —

“ *And be it further enacted,* That when any person held to service or labor in any State or Territory, or in the District of Columbia, shall escape therefrom, the party to whom such service or labor shall be due, his, her, or their agent or attorney, may apply to any Court of Record therein, or Judge thereof, in vacation, and make satisfactory proof to such Court or Judge in vacation, of the escape aforesaid, and that the person escaping owed service or labor to such party. Whereupon the Court shall cause a record to be made of the matters so proved, and also a general description of the person so escaping, with such convenient certainty as may be; and a transcript of such record authenticated by the attestation of the Clerk and of the seal of the said Court, being produced in any other State, Territory, or District in which the person so escaping may be found, and being exhibited to any Judge, Commissioner, or other officer authorized by the law of the United States to cause persons escaping from service or labor to be delivered up, shall be held and taken to be full and conclusive evidence of the fact of escape, and that the service or labor of the person escaping is due to the party in such record mentioned. And upon the production by the said party of other and further evidence, if necessary, either oral or by affidavit, in addition to what is contained in the said record, of the identity of the person escaping, he or she shall be delivered up to the claimant. And the said Court, Commissioner, Judge, or other person, authorized by this act to grant certificates to claimants of fugitives,



shall, upon the production of the record and other evidences aforesaid, grant to such claimant a certificate of his right to take any such person identified and proved to be owing service or labor as aforesaid, which certificate shall authorize such claimant to seize or arrest and transport such person to the State or Territory from which he escaped."

Under this section of the act, a Southern slaveholder can go into a Southern court and make oath that a person whom he describes is his slave and has escaped from him. This testimony is given and recorded in the absence of, and with no notice to, the person who is to be affected by it. It is the testimony of the alleged owner himself, and of such parties as he chooses to summon to the service of his designs. It is taken and recorded without any scrutiny into its correctness or test of its authenticity, and made a matter of record.

And this record, so made up, is made absolutely conclusive upon the liberty of a man absent in another State, and ignorant of the whole proceedings. Was there ever a greater outrage than this sought to be perpetrated under the forms of law?

Gentlemen, the learned Attorney for the Government has said to you in advance, that I should denounce this law and endeavor to excite your passions and arouse your indignation against it, for the purpose of obtaining from your prejudices what I could not secure by an appeal to your reason and judgment.

If I have brought up these provisions of this law in review before you, it has not been for the purpose of exciting your prejudices. It has been because the dangers and abuses to which this law is liable in its execution impose peculiar duties on every citizen of

this free State ; and within the legitimate and proper range of these duties, as I will show you hereafter, are embraced nearly all the acts which are offered in evidence against this defendant.

Not, then, to inflame your passions, not to excite your prejudices, do I call your attention to the provisions of this law, but to make you fully understand and appreciate the great dangers to the rights of freemen which it occasions, to make you see and feel that it is only by vigilant watchfulness and prompt action on the part of the citizens whenever it is attempted to be enforced, that the unlawful arrest and enslavement of freemen can be prevented.

Recur again, then, in this view of the subject, to the provisions of this tenth section, and see what abuses may be perpetrated against the rights of free citizens under this section of the act.

Here, for example, is this Phillipps, a slaveholder from Southern Missouri. He has been for weeks in this city as a witness in these prosecutions. What is to prevent him from obtaining accurate descriptions of the colored men whom he meets in the streets, and upon his return making up a record against any person upon whom his gaze has fastened? He has only to step into a Southern court and have his description made a matter of record and swear to them, and the work is done. The man whom he has selected is quietly pursuing his customary avocation, in utter ignorance that in the mean while, in a far-off State, his liberty has been sworn away, gone forever from him, even without notice and without a hearing. The slave-catcher comes into the State, obtains his process, drags his victim before the Commissioner, produces his record, and shows, as of course it is easy to do, the

identity of the person arrested with the one described. But, says the man arrested, I am no slave, — I am a free man ; I can prove it ; I will call my neighbors to establish it. But the Commissioner has no power to look at his proofs. The record is conclusive of the fact of slavery. No question but identity is left to him. If the party arrested has his free papers in his pocket, the Commissioner has no right to regard them ; and it was so expressly held in the case of Gorham, at Detroit.

It may be said that no such case could arise without perjury and fraud on the part of the claimants. Well, I am not going to ask you to admit that men, educated under the influence of slavery, are worse than other men, but surely it will not be claimed that they are better. And does not our daily experience here in the North, both in the places of trade and the courts, teach us that fraud and falsehood and perjury are of frequent occurrence? Under the temptation which cupidity and the lust of gain create, men become callous to the wickedness of false swearing. Have not custom-house oaths become a byword? And what are custom-house oaths but unblushing violations of honesty and truth, committed for the sake of securing the profit to be derived from defrauding the revenue laws of the country?

Why, it was stated in one of the public journals not long since, that a letter was found in the possession of a notorious counterfeiter, from a Southern man, containing these words : “ Go among the niggers, find out their marks and scars, send good descriptions of them, and I ’ll find owners.” Whether this be fact or fiction, I know not ; but it is easy to see that such conspiracies against the liberties of men could readily be carried out under this law.

No, gentlemen, it is not safe, it is not right to trust the liberties of men to the chances of *ex parte* evidence. There is no safety except in a jury trial.

But it is said, in reply to this objection, that the person delivered up under this law does have a jury trial, — that he has such trial in the State from which he escaped and to which he is returned ; and an analogy is sought to be made between this law and the law providing for the return of fugitives from public justice.

This argument is a specious delusion. It is as unsound in reason as it is false in experience. It can deceive no one who does not wish to be deceived himself or desire to deceive others.

No man can be arrested as a fugitive from justice until he has been duly indicted by a Grand Jury for some offence, recognized as a crime according to the common law of the country. When he is arrested, he is delivered into the hands of sworn officers of the law, to be taken by them to the court before which the indictment is pending for trial. The arrest and the trial are parts of one proceeding, and unless tried and convicted, the arrested party is again discharged.

In the case of a person claimed to be a slave, the Commissioner delivers the person into the hands of the person claiming him as a slave. He becomes a slave to all intents and purposes by the decision. The person into whose hands he is delivered is under no obligation to carry him back to the State from which he escaped, or to carry him to any place with a view to any further trial of the right to his liberty. The master may do as he pleases with him ; he is subject to no control, and subject to no new duty or liability. He may sell the man as a slave ; he may scourge and lacerate and abuse him. He is his, finally and forever.

It is true that as a slave, he has, to a very limited extent, and under such restrictions and limitations as make it of very little practical value, the right in some of the States to institute proceedings to test his right to freedom before a jury. But this is no answer to the objection.

It is the making a man a slave at all without the verdict of a jury upon the fact of freedom, of which we complain. Here is a man found in a free State, — the law presumes him to be free. He is entitled to the benefit of that presumption until the contrary is established by legal evidence and in a legal manner. We ask for the rights of freemen, and we receive only the rights of slaves.

The parallel between the two cases of fugitives from justice and labor would be correct if the Commissioner, instead of sending the fugitive from justice back for trial in the custody of sworn officers of the law, were to commit him to the penitentiary for life ; for such sentence would not be more final and conclusive in its effect than that which, by consigning a man to his claimant under this law, condemns him to the life-long bondage of a slave.

Nor is there any reason for taking the alleged fugitive away from the State where he is arrested, for the purpose of a trial elsewhere (if any such trial were within the contemplation or provision of the statute), as there is in the case of fugitives from justice. In criminal offences the venue is local. They can be tried only in the county where they were committed. But questions of property are transitory, and are triable as well in one place as in another. And the question of title to a man claimed as a slave is a pure question of property. It has been so held from the earliest records



of the common law. If a man from a slave State claims property in a bale of cotton found in this State, he does not transport the property elsewhere to try the title to it. It is tried here, before a jury ; and there is no principle of the law which justifies a removal of the property out of the defendant's possession until the title of the claimant is established by the judgment of a court of law.

If this doctrine be true with reference to personal property of every nature, with how much more force does it apply to cases where the right to be tried is that of a citizen of a free State to his personal liberty. By the law of the free States he is presumed to be free until the contrary is established. By the law of the slave States, if he have a certain admixture of African blood, he is presumed to be a slave until the contrary is established. There is, then, a most vital distinction between a trial by jury in a slave State (even if any such were given under this law, which is not the case) and the right of trial by jury in a free State. In the one case the law proves his freedom, and the burden of proof is on the claimant to establish the fact of slavery. In the other, the law proves him to be a slave, and the burden is on him to prove his freedom.

Is it asking too much that a free man in a free State should be entitled to be adjudged a slave by the verdict of a jury of his countrymen before he be delivered over into bondage ?

But it is said that if a trial by jury were given, under the law, it would render it a nullity, — that Northern juries would refuse to find in conformity with the facts of the law. I deny the assertion. It is a libel upon Northern juries. It is answered by these very prosecutions themselves. How are the violations of this law



to be punished? Must not all these be tried by a Northern jury : and is it an easier matter to induce a jury to convict a man under this law, to impose fines and imprisonment on those who rescue a slave, than it would be to establish the claimant's right of property in the slave so rescued? Why, in every prosecution under this law, the title of the master to the alleged slave has to be found by the jury, under their oaths, as an essential prerequisite to every conviction.

If the jury can be relied on to find according to the fact in a prosecution against a white citizen, surely they would not have greater difficulty in finding the same fact in a suit against a negro claimed as a slave.

I must not close my review of the objectionable features of this law without alluding to one so odious as to meet with the disapproval even of the learned counsel who opened this case on the part of the Government.

I mean that provision which authorizes the slave-owner and his agents to require the assistance of the citizens of the free States in the capture of runaway slaves. It would seem as if, in the contemplation of this law, the free States of this Union were to become the hunting-ground for slaves, and the freemen who inhabit them were to become slave-catchers at the beck and nod of the slaveholders.

It was not strange that the distinguished Senator from Massachusetts—that noble man, whose name is dear to every lover of liberty and humanity the world over—should have said, in reply to the question of Mr. Butler, of South Carolina, whether he would aid in the capture and rendition of a fugitive under this law, “Is thy servant a dog, that he should do this thing?”

I have now finished my review of the provisions of this law, and I think I cannot have failed to demonstrate to the entire satisfaction of every intelligent and candid mind, that there are great liabilities to abuse and great dangers to the rights of freemen necessarily consequent upon the execution of this law ; and it is this proposition to which I desire your united and unqualified assent, as the first position in the argument which I make to you in this cause.

In that argument, gentlemen, I propose to address myself wholly to your understandings, — to make no appeals to your prejudice or passion.

The learned counsel for the Government have said that I should address you as political partisans, and seek to gain your verdict by an appeal to party prejudices. It was a strange remark to be made in this case. It would seem that if there were any one who should deprecate appeals to party, who should implore this jury to rise out of the low level of partisan politics into the higher region of reason, conscience, and truth, it would be the counsel who is now addressing a jury of which but two or three at the most are members of the same political party with himself. What have I to gain at your hands through the power of party prejudice? No, gentlemen, it is for me to appeal to you to forget that you are Democrats, to forget that you are Republicans, and remember only that you are jurors. If I cannot obtain a verdict by an appeal to your reason and your intelligence, I have certainly nothing to hope for by an appeal to your political prejudices.

Gentlemen, for myself I belong to no party which is disloyal to the Constitution of my country, or which sanctions any violation of the laws. I shall ask nothing at your hands in this argument but what I can ask

under the law and the evidence ; and I solicit your earnest and considerate attention to all which in the discharge of my duty to this cause I shall have to say to you.

The next proposition to which I ask your assent, and which will commend itself to your highest judgment, both as citizens and as men, is this : That it is the duty of every citizen to take a personal interest in securing the liberty of every citizen in the community from unlawful invasion ; and it is his right, as well as his duty, to take all lawful action to prevent such unlawful invasion.

This doctrine not only approves itself to our own judgment as citizens of a free State, where to invade the liberty and rights of the humblest member of the constituency is to violate the rights and liberties of the State itself ; but it is sanctioned by express judicial authority even in England, where the rights and liberties of the citizen are not supposed to be more highly regarded or more jealously secured than in the Republic of the United States.

I will read to you, from a work of acknowledged authority in our courts, — “ Russell on Crimes,” — a passage upon this subject.

“ One Bray, who was a constable of St. Margaret’s Parish, London, came into the parish of St. Paul, Covent Garden, where he was no constable, and consequently had no authority, and took up one Ann Dekins, against whom he had no warrant. In a controversy which ensued in reference to this arrest, the constable was killed, and the question was whether the unlawful arrest was a sufficient provocation to reduce the crime from murder to manslaughter.

“ It was held, after elaborate argument, that the prisoners had sufficient provocation on the ground *that if one*

*be imprisoned upon an unlawful authority, it is a sufficient provocation to all people out of compassion, and much more where it is done under a color of justice, AND THAT WHERE THE LIBERTY OF THE SUBJECT IS INVADED IT IS A PROVOCATION TO ALL THE SUBJECTS OF ENGLAND."*

Gentlemen, it is the maxim of a cold and selfish as well as false philosophy, that it is no concern of mine when the liberties of others are taken away. The idea is as unfounded in sound reason and human experience as it is opposed to the high obligation of the citizen, and unworthy of the noble and more generous sentiments of human nature.

Algernon Sidney, on the night before his execution, said to his nephew in prison : —

" I value not my own life a chip ; but what concerns me is that the law which takes away my life may hang every citizen of England whenever it is thought convenient."

The thought which in the great soul of this noble man rose above all thoughts of self, and in view of which the loss of his own life was as nothing to him, was that the blow which destroyed him was destructive of the rights of every citizen of his country, — that in his person Liberty itself was struck down.

Why, gentlemen, you all remember the thrill of enthusiasm which ran through the country when Commodore Ingraham anchored a United States ship-of-war in front of a city under Austrian rule, and cleared the deck for action, in support of his demand for the release of Martin Kosta, an American citizen unlawfully seized and deprived of his liberty. Why, Martin Kosta was a very insignificant individual. He has subsequently resided in this city, and personally is of

very little account. But the whole nation applauded the action of Commodore Ingraham. Why? Because his action represented the whole nation, and was a noble assertion of the great truth that the liberty of the humblest citizen is regarded as a matter so precious and so sacred as to justly enlist the whole power of the nation in its behalf.

But a short time since, a young Jewish boy, by the name of Mortara, was unlawfully held in custody by the ecclesiastical authority in Italy, and from one end of the world to the other the Jewish people interested themselves in the matter. Of what consequence was it, it might be asked, to a Jew here in America, whether Mortara was unlawfully held or not? It did not affect him; it did not lessen his profits or interfere with his business. But every Jew could see beneath the arrest of this Jewish boy a principle of despotic power, which, if unrebuked and unrestrained, might overthrow the rights of conscience and destroy the liberty of every other Jew. Such will ever be the sentiments which will animate a people who prize their liberties and expect to retain them.

In those ages of history when men stood by and saw their fellow-men borne away to imprisonment or death at the will of the government, without law or right, and either cared not or dared not raise a voice or hand in their behalf, liberty was but a name. It has cost ages of struggle and oceans of blood to secure to mankind the great rights of personal liberty, which are the birthright of every citizen of America; and when we become indifferent to the invasion of these rights, we have taken the first step toward their overthrow. It is fitly and truly said that "Eternal vigilance is the price of liberty."



If such be the high duty of every freeman with respect to all unlawful invasions of the liberties of the citizen, then there must be left to the citizen, under the Fugitive Slave Law, without criminality, the performance of every act which is just, necessary, and proper in the lawful execution of that duty. The obligation to obey the law must not be so construed as to make it criminal in the citizen vigilantly to investigate every attempt to enforce its execution, and promptly and efficiently to guard and prevent all unlawful outrages on the liberties of the citizen which may be sought to be perpetrated under its sanction.

If I see a man forcibly seize one of my fellow-men, claiming him as his slave and with intention to bear him away to life-long bondage, am I to stand coldly by in silent indifference and unconcern? Am I to leave him to his fate without an effort to investigate the matter? Such a doctrine as this may commend itself to men who have no hearts to feel, — men who in the dead insensibility of their natures to everything but what touches their own individual interests, cannot rise to the conception of a generous sentiment, much less to the performance of an unselfish action; but it is not the feeling of men who possess a human nature. Nor, I trust, gentlemen, would it make any difference to any man, in such a case, that the person so seized and about to be hurried off to everlasting bondage had a skin darker than his own.

What, then, is to be done when this law is sought to be enforced in the free States? I have shown you that there is the greatest liability to abuses under it. I have proved to you that its execution is pregnant with dangers to the liberties of the citizen. It is clear, then, that some action is demanded on the part of those who



duly value the liberty of the freemen of a free State under such circumstances.

What, then, may be lawfully done? What ought always to be done wherever the execution of this law is attempted, if we would prevent these abuses and guard against these dangers?

Manifestly the first step is to secure as full, thorough, searching investigation into the facts and proceedings as is possible, — to compel the production of the process of arrest, to subject such process to legal scrutiny, to have all the facts as carefully examined into and tested as the summary character of the proceedings will permit, and to make every necessary arrangement to prevent the abduction of the party claimed as a slave surreptitiously or violently without lawful sanction.

All this every man would, it seems to me, admit without hesitation ought to be done, and done promptly and effectually, in every case where this law is attempted to be executed. All this would be wholly unnecessary if a jury trial were to be made under the law, to determine the question of freedom or slavery; for then every man would rest satisfied that justice would be done through the courts of the country. It is because a man may be seized in a moment, and before the sun goes down borne away from a free State into life-long slavery, without a trial, that prompt, efficient, and decisive action is necessary in such cases.

If, then, such action as I have indicated is not only right and proper, but is demanded by our regard for the rights of freemen, then it is lawful for me to assemble my friends and neighbors together; to interest them in the matter; to relate to them the facts; to cause public meetings to be held, committees to be appointed, counsel to be engaged, and every arrange-

ment made, not only to secure the needful investigation, but to provide whatever force may be requisite to prevent the forcible or secret abduction of the accused person before such investigation can be had, or in violation of the law.

It may be said that I am consuming time in contending for what is too clear and unquestionable to admit of debate or denial. If I have dwelt so fully upon these principles and views which I have been considering, it is because they dispose effectually of almost the entire evidence in this cause. It requires but the fair application of these principles to the testimony before you to establish to your entire satisfaction that every word and act of the defendant prior to the final decision of Judge Caton is fully explained, justified, and deprived of all criminality. In the light of these principles, then, let us proceed to examine the evidence.

The defendant is on trial for a specific charge set forth in the indictment.

That charge is that he rescued or aided in the rescue of a fugitive from labor, called Jim, belonging to one Richard Phillipps, from the custody of Isaac N. Albright, then and there holding him, as a Deputy Marshal of the United States for the Southern District of Illinois, by virtue of a Commissioner's warrant for the arrest of such fugitive.

To establish the offence charged in the indictment, it is indispensably necessary that the following facts should be proven : —

1. That the negro, Jim, was a slave held to service to Phillipps under the law of the State of Missouri, and that while so held he escaped from such service into the State of Illinois.

2. That a lawful warrant was issued by a lawful officer for the arrest of such fugitive.

3. That such warrant was delivered to Isaac N. Albright to be executed, and that said Albright was a Deputy United States Marshal for the Southern District of Illinois, and that said Albright arrested and held said negro, Jim, under said warrant.

4. That the *defendant had due notice or knowledge of these facts.*

5. That he rescued, or aided in the rescue of, said slave *after such notice.*

• The first three propositions I do not propose to discuss. They involve questions of law which were very elaborately argued in a former trial; and having been decided by the court, they are to be assumed to be established for the purpose of this trial.

It is, therefore, only with the two remaining questions that we have anything to do.

Now, in the consideration of the evidence in this case, I propose to consider, first, what was done by the defendant prior to the decision of Judge Caton, that the negro was lawfully held by Albright and must be remanded to his custody; and, second, what appears in evidence against him after that decision.

This is a most important division of the evidence, and one which is most necessary to be made. For it is manifest that the same words and acts which subsequent to that decision would have been criminal, and justly attributable to an unlawful purpose to rescue the slave from legal custody, might, if said or done prior to that decision, be all consistent with a lawful and proper intention, and referable to just and proper motives.

I. The first proposition which I will undertake to demonstrate to your entire satisfaction from the evi-

dence is this, that *prior to the examination before Judge Caton* there is not only no evidence in the case establishing any notice to this defendant that Jim was a slave, and was held under a legal warrant issued under this law for his arrest, but that, on the contrary, this defendant, with the other citizens of Ottawa, had just reason to believe, from the facts which have been proven in evidence relating to the original arrest and subsequent treatment of this man, and from the conduct of the parties connected with these transactions, that these parties were engaged in an unlawful conspiracy to kidnap this man and carry him into slavery.

I have endeavored to prove to you that *any* arrest under this law is a sufficient justification to every citizen to take such measures as are necessary to test its legality and prevent the consummation of an outrage against personal liberty under the cover of law.

But the circumstances connected with the arrest of this man, Jim, were of such a character, and the subsequent treatment of him was such, as rightly to arouse the public feeling, and create the impression in the public mind that this man was in the hands of those who had no respect for the law of the land, and who meant to seize and carry him away without right or authority.

The fact stands out uncontradicted and undeniable upon the evidence that this man, Jim, had been seized by a set of men who are engaged in the business of kidnapping negroes and running them out of the State, or delivering them up for a price to pretended owners.

It is not denied that on the soil of this free State, such outrages as these are being constantly committed. The men, Jones and Curtley, were the leaders of this

infernal wickedness. They arrested this man without process, without any complaint against him, and carried him into Union County. He was there committed to jail by a jury of that county, because he had no free papers ! There was actually, gentlemen, a man found filling a judicial position in this State, so ignorant of law that he did not know that every man found in a free State is presumed to be free ! He supposed that it was a necessary prerequisite to the right of a man of dark complexion to breathe the free air and walk the broad prairies of this free State, that he should have a certificate of freedom in his pocket. He has learned, I trust, by this time, that under the constitution and laws of this State, every man, white or black, who is found within its limits is presumed to be free.

To relieve this man from this unlawful imprisonment, Judge Caton issued a writ of *habeas corpus*. This writ was delivered to the jailer of Union County on the 7th or 8th of October ; and yet, gentlemen, notwithstanding this, — and I call your attention to this as a most important fact in the chain of circumstances which led the citizens of Ottawa to believe that there was an unlawful conspiracy to deprive this man of his liberty, — notwithstanding this writ was served on the 7th or 8th of October on Albright, and notwithstanding it takes but two days to go from Jonesboro' to Ottawa, it was not until the 18th of October that this jailer started for Ottawa with the negro. During all this time he and those with whom he was acting kept Jim in confinement in jail, contrary to law and in contempt of the highest judicial officer in the State. Was not this a high-handed violation of law ? Why, this writ of *habeas corpus* is the highest writ known to the law. It is issued for the very purpose of preventing any invasion of



personal liberty. It commanded Albright to bring this man before Judge Caton *forthwith*. Every hour of unnecessary delay after the service of this process was a contempt of this great Writ of Right. And yet these men disregarded this writ for more than ten days, holding this man, Jim, during all that time in unlawful confinement. During nearly all this time there was no person claiming any right to this man ; but they were holding him in jail in defiance of the writ, while he was being advertised in the newspapers for the purpose of finding an owner and obtaining a reward. These facts were all known at Ottawa prior to this examination before Judge Caton. Were they not of a nature justly to occasion a belief in an intention to run this man out of the State in defiance of all law and of all right ?

He had been treated with the greatest barbarity. Arrested without law, he was dragged through the country chained like a felon, and thrust into prison. And at last, when brought by Albright under the writ of *habeas corpus*, a trace chain was fastened to his leg, and his arms pinioned with ropes, and he was led along the streets of the city of Ottawa in this inhuman manner. With the party came the original kidnappers and negro-stealers, Jones, Curtley and McKinney, — men whose notorious deeds in this devilish business had made their characters so infamous that even the jailer Albright revolted from being considered as one of their company !

Up to this time no knowledge of Phillipps or of his claim to this man had ever reached the ears of the people of Ottawa. Phillipps did not make his appearance at Jonesboro' until just before the departure of Albright for Ottawa. The first that the people of Ottawa knew of him was that he came up to that city



in company with these kidnappers, with whom he was apparently in co-operation.

Now, I submit whether these facts did not justly authorize the belief that this party had leagued together to carry out and consummate by force or fraud the unlawful abduction of this man whom they had before seized, imprisoned, and held in custody in violation of the laws of the State.

Where is the evidence in this cause which furnishes any reason for a different belief being entertained by this defendant prior to the examination before Judge Caton?

It is true that these men had a warrant under the Fugitive Slave Law ; and it is true, also, that that warrant has, after a day's discussion, and with an intimation of some doubts as to its validity, been sustained by this court ; and it is true, gentlemen, that the honest belief that a warrant is void furnishes no excuse to the party who resists it, if it turns out to be valid.

But the position which I take in reference to the warrant is this : that the parties who held that warrant *themselves doubted its validity* ; that they, by their conduct, created the impression that it was not relied on and would not be attempted to be enforced, and that the negro would be taken away without any process.

Now, there were but two processes issued against Jim : one was the *mittimus* in Union County, from which his discharge under the *habeas corpus* was certain ; the other was the Commissioner's writ. Now, if the conduct of these men was such as fairly to create the impression that they regarded this latter writ as invalid and worthless, and yet they came in force, armed, and in company with the most notorious

negro-stealers in the State, the citizens might well suppose that such a company could have come only for the purpose of a lawless and forcible seizure and abduction of this man. For what other purpose could these abandoned and infamous men have been brought all the way from Union County to Ottawa?

If Phillipps had lawful process, he would not require the aid of the most notorious violators of law.

In this connection the apparent defects in the process itself are of great importance ; for if there were defects on the face of the warrant of such a character as would naturally cause any man to regard it as invalid, it would be natural for men having such a document to act as though they did so regard it. This warrant has no seal. It is addressed to the Marshal of the *Southern* District of Illinois, and expressly on its face limited in its operation to the *Southern* District of Illinois. It only authorizes the arrest of Jim "*if he is found in the Southern District.*"

Now, there are very few men who would imagine for a moment, until the decision of this court had instructed them otherwise, that a writ issued in the *Southern* District of Illinois, directed to the Marshal of that district and expressly required, upon its face, to be served in that district, could be served in the *Northern* District. The best lawyers in Ottawa unhesitatingly advised to the contrary ; all the counsel of this defendant so advised at the commencement of this defence. They entertained no doubt on the subject at all, and confidently supposed it would be so ruled by this court.

The fact that this court has decided that by some peculiar construction of this Fugitive Slave Law this writ runs through the State, does not affect the view

in which I present the matter ; for if the defect in the writ was one which would naturally be regarded by the parties who held it as fatal to any use of it in the *Northern* District of Illinois, then they would be likely to act as if they so regarded it.

In addition to these defects, the officer deputized to serve the writ had been wrongly designated in the deputation.

These defects in the warrant were such as to cause the lawyers who examined it to declare it incapable of being lawfully used for the arrest of the negro. The parties who held it acted as if they were of the same opinion, for they kept the warrant in the background. It was not for some time and without some effort that the committee of lawyers got a sight of it in a lawyer's office in Ottawa. Phillipps, when applied to, refused all statements in regard to the process, disclaimed any connection with the custody of the negro, and referred everybody to Albright. Albright stated that he held Jim on the *mittimus*, saying nothing about the warrant ; and it was only by some pressing that they got him to give them any opportunity to get a sight of the warrant.

Albright never qualified as deputy under the warrant until the examination before Judge Caton.

I say, then, without hesitation, and I appeal to your intelligent judgment to sustain me in the assertion, that there is nothing in the evidence in this cause to bring home to this defendant any knowledge or belief that the negro, Jim, was a slave of Phillipps', or that any valid process for his arrest could be enforced against the negro until the examination before Judge Caton, and the announcement of his decision at the court-house.

And still further, I insist that the facts which I have stated were such as justly to furnish grounds for the belief that there was a design on the part of these men to carry this man off forcibly and in violation of the law.

Under these circumstances did not their duty as citizens and men require of them to take every step necessary to prevent the consummation of such a lawless outrage? Had they not the right — nay, was it not their duty — to hold meetings, to appoint committees, to employ counsel, to meet and talk over this matter, to lay their plans to prevent it, to secure everything necessary to rescue this man from the hands of these kidnappers, if they attempted to carry him off by force or fraud?

This view of the case covers every particle of the evidence touching the conduct of this defendant prior to the examination before Judge Caton.

May not the whole of this evidence just as properly — nay, with far greater propriety — be referable to a lawful and proper motive than to an unlawful one? What word or act is in evidence proving that the meeting which the defendant attended the previous night had any unlawful purpose? But if there were any doubt on the subject, it would be your duty to throw the doubt in favor of the defendant.

I boldly maintain, then, and I challenge the learned counsel for the United States to show the contrary, that prior to the examination before Judge Caton there is nothing in the evidence in this case which may justly be held to affect the defendant with any criminal intent, or to prevent him from receiving a verdict of acquittal at your hands.

You have him, then, at the court-house, on the day of the examination before Judge Caton, as perfectly free

from all presumption of wrong as any witness who has appeared upon the stand, even including the learned Judge himself.

He attended the examination as a spectator, as hundreds of others did. It was his right and his duty to be there. He listened to the opinion of the Judge. He heard the decision which consigned the negro to the custody of the Marshal. From that moment I admit he could do no act and say no word which should aid the escape of this negro from the custody of the officer without a violation of this law.

If the evidence establishes any participation in this rescue by him, after this decision, then it will be your duty to convict him ; but if it fails to prove any such participation, or if it leaves a reasonable doubt of the fact, it will be your duty — and I have no doubt, your most agreeable duty — to acquit him.

II. Let us, then, consider the evidence touching the conduct of the defendant subsequent to the decision of Judge Caton.

The whole evidence in this case tending to show any connection of this defendant with the rescue after the decision of Judge Caton, is given by four witnesses, — Spicer, Crandall, Armstrong, and Anderson. No other witness has testified in relation to any matter occurring subsequent to the examination.

Two of these witnesses, Spicer and Crandall, testify to the same act of the defendant ; one of them, Anderson, testifies to another act ; and two, Crandall and Armstrong, testify to alleged admissions of the defendant. The only act of the defendant's to which Spicer and Crandall testify, is his pointing his finger. They say they saw the defendant look at the negro and point to the open window ; and Spicer thinks that this gesture



was repeated. It does not clearly appear that the negro saw this gesture, or that it had any reference to, or connection with, the rescue. So far as the facts of the rescue are in evidence they contradict any such idea, for no rescue was made or attempted through the window. This is every iota of the evidence relating to this act, which is one of the acts relied on to show the defendant's participation in the rescue.

Now, this evidence, giving it its fullest effect, neither proves nor tends to prove that the defendant rescued the slave or aided in such rescue.

It is clear that it does not prove that he rescued him, for it had nothing to do with the rescue. The gesture was made at a different time, and before the rescue was attempted ; and the rescue was made by other parties and in an entirely different manner from that which was indicated (as is claimed) by the gesture. Nor does the evidence show that this act of the defendant's *aided* the rescue ; on the contrary, the evidence is that Spicer reported at once to the Marshal the gesture which he had seen, and that the result of that gesture was that the negro was taken into closer custody by the officer. So far as the facts appear, then, this gesture of the defendant, if it had any effect at all, had the effect to *prevent* the rescue and not to *aid* it.

This view is giving to the gesture as proven the meaning and intention assigned to it by the prosecution. But what is more uncertain, more liable to be misunderstood, more unreliable as the basis of a verdict which is to disgrace one of your fellow-men and send him to the penitentiary, than a gesture, a movement of the arm, a pointing of the finger ! Not a word was said. There is nothing in the case to explain the gesture, or give it meaning.



Now, suppose this were the only evidence in the cause, and you were asked to convict this defendant of the rescue of a slave because he pointed his finger to an open window through which no rescue was made, would it not strike you with some astonishment to have the Attorney of the United States ask you to find a verdict upon such evidence?

Gentlemen, it is all the evidence in the cause which touches the defendant (outside of the alleged admissions, and Anderson's testimony, which I will consider presently). For if I have succeeded in showing to you that every word or act of the defendant previous to that examination is referable to a just and lawful motive, done in pursuance of his duty as a man and a citizen, then he stands before you in that court-room as perfectly free from any presumption of guilt as any other person who was present.

I maintain that to convict a man under a law like this, which imposes fine and imprisonment on the best men in the community, for acts which but for the law would be approved as humane and praiseworthy, upon evidence like this, would be treating a man indicted under this law more unfairly than you would treat the worst of felons.

What! Convict a man of a crime upon a single gesture, — a movement of the arm, a pointing of the finger? Why, of how many different constructions is such an act susceptible?

It would be easy to suggest many explanations of this movement of the arm, entirely different from that which the prosecution give you of it, and all of which might just as well consist with the facts proven.

But suppose, on the whole, there is some preponderance of the evidence in some of your minds towards

the conclusion of an unlawful intention on the part of the defendant in making this gesture. This will not do. It is only in *civil* cases that the jury may decide for the party in whose favor the evidence *preponderates*. In *criminal* trials the party accused is always entitled to the legal presumption in favor of innocence. Neither a mere *preponderance* of evidence nor any *weight* of preponderant evidence is sufficient for the purpose unless it generates full belief of the fact *to the exclusion of every reasonable doubt*. It is not enough that the evidence tends to show guilt. *It must be absolutely inconsistent with any reasonable hypothesis of innocence.*

But, gentlemen, go a step further and assume the explanation of the Government of this gesture to be the true one. Suppose he did point to the slave and to the window as a place of possible escape, and had said at the same time, "My poor fellow, there is the window, and there is God Almighty's world of light and liberty outside: we cannot help you; we are bound hand and foot by this law; we can give you no aid,—nay, if you attempt to escape through the window and the Marshal calls upon us to prevent you, we shall have to do so; but if you can achieve your own liberty in spite of us, we are not responsible,"—would that have made him guilty of the rescue or of aiding in the rescue of the slave?

No, gentlemen, this evidence is wholly unsatisfactory and insufficient. It does not begin to make out a case against this defendant. If he were on trial for murder or felony, you would revolt from convicting him upon such testimony; and is this defendant in this case to be convicted upon less evidence than would induce you to convict a man for some more heinous crime? Is this

defendant, with his unblemished character, won by twenty years of virtuous industry in the community in which he lives, to be treated by you worse than a felon or a murderer?

The next evidence to be considered is that of the alleged *admissions* of the defendant. These are testified to by two witnesses, — Armstrong and Crandall.

There is no species of evidence which is regarded by the books as more unreliable and unsatisfactory than this. The most eminent judges and best writers upon the law of evidence have held that it is to be received with the greatest caution, that it is subject to imperfection and mistake. Such proof may be easily fabricated ; and words are often misreported through ignorance, inattention, or malice.

We have a striking instance of it in this very case. The witness, Armstrong, at first stated in a general way, that he had heard the defendant admit that he had a hand in the rescue ; but when the witness was closely questioned, it turned out that what he had heard was in a general conversation by a number of persons in a store at which the defendant was present, and he was unable to state anything reliable which the defendant himself said, and finally admitted that it was only an impression and inference formed by him from the whole conversation, and which he could not swear was founded upon anything which the defendant said, but might have arisen entirely from what was said by others.

This testimony was manifestly incompetent, and was so held by the court. All which he recollected of ever hearing the defendant say, and all which is evidence in this case, is “that Jim had escaped, and he was glad of it.”

Was there anything wrong in these words? I have no doubt they expressed the honest feelings of his heart. They certainly express those of mine. I can say, too, with the deepest satisfaction, "Jim has escaped, and I am glad of it." If that be treason, make the most of it. Yes, I am glad Jim has escaped, — glad that another poor hunted victim of oppression and wrong has escaped from the dark prison-house of slavery, and is safe in a land where the sound of the fetter and the lash is never heard.

Why, gentlemen, when you listened to the narrative of his escape, — when you followed him in his bounding, flying course through the hall, and beheld that magnificent leap for freedom by which the fence was cleared, and saw him fairly on his way to liberty, — was there a man of you in whose heart there was not a feeling of gladness? Did you wish to have him stopped? If there is such a man, I do not envy him; but I have too much respect for you to believe so.

There is, then, nothing at all in the testimony of Armstrong, so far as it is competent, which furnishes any ground for a conviction on this indictment.

The other witness, Crandall, testifies to a conversation had with the defendant at the Revere House in this city since these trials have been pending, in which the defendant told him that he opened the window himself, and would have thrown the negro out of it if Spicer had not prevented it.

This testimony furnishes the most striking example of the danger of this species of testimony. It leaves the party charged with a crime at the mercy of the witness. He may swear to what he pleases, as it is impossible to contradict him. This witness said Mr. Rathbun was present and near enough to have heard

the conversation. We called Mr. Rathbun, and he swears he heard no such conversation as the witness relates. If a man is to be convicted on such evidence as this, he is powerless. It was given just at the close of the case. There was no opportunity to impeach the witness, and none of course to contradict his statement. But, gentlemen, there is one thing which impeaches it sufficiently to make it proper for you to discard it, and that is its own inherent improbability.

Here was this man about to be tried for an offence punishable by fine and imprisonment. This witness, Crandall, had just been a witness against the defendant in the former trial, a witness who then swore to conversations which other witnesses were called to contradict. If this defendant is a man of ordinary intelligence, is it to be credited that he would furnish the worst and most malicious witness against him with evidence to convict him,—that he would do this at the very time when his trial was about to come on, and this very man was then in attendance as a witness against him?

There are some things so contrary to all human experience, so intrinsically improbable, that the mind instinctively rejects them as false. Gentlemen, I pronounce the whole statement of this conversation by this witness to be a wanton, malicious falsehood. We have no means of contradicting it, except what we have already given in the evidence of Rathbun, but by the statement of the defendant himself. He is here in court. He is a man sworn to be of high, unblemished character, and I challenge the prosecution to put him upon his oath and ask him whether any such conversation ever occurred.

[Mr. Stout here arose and offered to be sworn, but the offer was declined by the District Attorney.]



The only other evidence affecting the defendant is the testimony of Anderson. He swears that he saw the defendant seize the officer who had the negro in charge by the shoulders, and bend his head down nearly to the floor, and keep him in this position for some time, until the negro had escaped.

Now, if you believe this evidence, there is an end of this case. No act could more decisively connect this defendant with the rescue than that which he has stated.

But, gentlemen, the statement is at war with all the other evidence in the case, and is utterly incredible. The witness is either mistaken or he is forsworn.

In the first place, he says the person whom the defendant seized and held in this manner was *the officer in charge of the negro*; and this, in fact, is the most material point in the evidence. For if it were some other man and not the officer who was held down, the character of the act would depend entirely on who the individual was; for if he were a person trying to rescue the slave, then in holding him he would have been *aiding*, and not *resisting*, the officer.

Now, this witness could not identify the officer Albright at all, either in his dress or his appearance. He could not remember whether he was pock-marked. Albright is a man of very marked and decided personal appearance. No man who has once seen him could ever forget him. But even when Albright stood up, he was not certain whether that was the man, nor could he say that Phillipps, who looks entirely different, was not the man; so that it is obvious he has no clear recollection which enables him to identify the individual who was thus assaulted, which, as I have said, is the very material point of his evidence.



But further, we called Albright himself, who says he has no recollection of any such event. Now, it is not credible, it is not within the range of possibility, that a man of Albright's stalwart form and vigorous frame could be seized and bent over nearly to the floor and held in this position without knowing it. In such a case the evidence of Albright is just as conclusive as the most positive testimony. It does not stand on the same basis as mere negative evidence. It was an act done to him personally, and it could not have been done to him without his knowledge and recollection. In addition to this, it is a fact which no other witness has sworn to. The matters which occurred in that court-room have been the subject of investigation here for weeks. Scores of witnesses have been examined in relation to them, and this is the first and only witness who has sworn to any such fact as that stated by this witness. If so important a transaction as this occurred in that room, it could not but have excited the observation of others. It was the most decisive action of the whole rescue, and yet neither the officer who was assaulted nor any one else was cognizant of it.

I submit, gentlemen, that evidence contradicted as this is by all the facts in the case, inherently impossible, and unsupported by a single other witness, is not sufficient to satisfy the minds of an intelligent jury.

Surely I may claim with the utmost confidence that there is that rational doubt of its correctness arising upon the whole facts and circumstances of the case which warrants me in asking you to discard it from your minds.

And thus, gentlemen, I have fully and fairly considered every iota of evidence which the prosecution have offered against the defendant ; and I say to you as

a lawyer and as a man, that in my judgment it is wholly insufficient to warrant a verdict against him.

And now, gentlemen, a few remarks in relation to the right and the duty of the jury in prosecutions for offences of such a character as this, and I shall conclude.

It was said by a great British statesman, that "bad laws are the worst sort of tyranny;" and it is true. They clothe what is unjust and wrong with the sanction of authority. They array the conscience of a people against itself by enlisting their conscientious reverence for the law in behalf of what conscience itself condemns. By such a conflict either the national conscience becomes callous, and the citizen becomes indifferent to the injustice which the law imposes, or the conscience of the people proves stronger than their respect for law, and the result is opposition, violence, tumult, and revolution.

There can be, therefore, no greater wrong, no more odious tyranny inflicted upon a people, than to compel them by the force of law, by the power of penalties, fines, and imprisonment, to the performance of unjust acts, opposed to their convictions of right.

Now, there are but two resources which can be made effective to remove or alleviate the evil which comes from unjust and oppressive legislation. The first lies with the people in their power to effect a repeal or change of such legislation by a change of their rulers or representatives. This remedy is often one which it requires a long period of time to accomplish.

The other lies in the right of a trial by jury.

The jury has been for ages the great bulwark of the citizen against the oppressions of power, the great security of his rights and liberties.

To the jury is given the *exclusive* right to decide upon the facts. It was once held (even in the courts of the United States) that in *criminal* cases they were judges of the *law* also ; and such is still the doctrine in our State courts, but in the Federal courts the judges have denied the right of the jury to judge of the law. But the right to be the judges, and the sole and exclusive judges, of the facts is still theirs, and theirs with no limit or restraint save that which their own consciences impose.

In their exercise of this duty they are subject to no control or dictation. They are bound by no man's opinion, not even that of the judge upon the bench. They take the law from the judge ; and his decision on the law is, under the rule adopted in this court, obligatory upon them, but his opinion upon the facts has no such authority. Upon the facts they are the supreme and only judges.

There was a time, and not far back in English history, when juries were under the most arbitrary and tyrannical control of judges, and when they were fined or imprisoned for refusing to find verdicts in conformity to the wishes of the court. But these were ages of tyranny. The noble courage and independence of juries in England proved too strong a barrier to be overcome ; and the right of the jury to decide upon all questions of fact has become now the established doctrine of the law in England as well as in this country.

Now, where the law sought to be enforced is dangerous to the liberties of the citizen, or unjust and oppressive in its operation, or where it is of a *political* character, juries have it in their power to alleviate its evils by requiring the proof which shall induce them to

convict for the violation of such laws to be of the most explicit, positive, and satisfactory description.

Those technical defects and nice objections which in ordinary cases would be brushed aside as trifles, may in such prosecutions rightfully be made availing to the protection of the citizen against oppression.

The jury may rightfully insist upon the utmost completeness of the testimony in every particular. They ought never in such cases to permit themselves to convict, except under a weight and conclusiveness of evidence upon every necessary fact which leaves them no choice except to violate their consciences and their oaths.

And especially is such the duty of the jury in cases tried in this court, under this law, where there is no *appeal*, no possible mode of reviewing the errors of the judge, or correcting any mistake or injustice done to the defendant on the trial.

The defendant in this case is wholly without remedy, gentlemen, however great and numerous may be the errors of the law or fact which are committed here. Testimony may be admitted in violation of the well-established rules of evidence. Instructions may be given at variance with what is regarded to be law by the most able and learned lawyers, but there is no redress.

Consider for a moment to what consequences this might lead, unless juries are careful of the rights of defendants in such cases.

Suppose Congress should pass a law punishing any citizen who should *speak* or *write* against slavery by fine and imprisonment. Such a law seems perhaps almost an absurdity to you ; but two centuries have not elapsed since to speak or write against the

government in England was punishable by fine and imprisonment !

Such a law would unhesitatingly be pronounced by the Judge who now sits in this court as contrary to that provision of the Constitution of the United States which secures to every citizen the liberty of the press and of speech.

But, gentlemen, judges are mortal, and we may not always be favored with a judge so eminent for learning and exalted in character as is he who now presides over this court.

Suppose in his place we were to have a LeCompte, — nay, even more than this, a Jeffreys or a Scroggs. Such a judge might find abundance of plausible pretexts for sustaining the constitutionality of such a law as I have mentioned. He might choose to regard such utterances about slavery, either spoken or printed, as incendiary, and not authorized by that proper and licensed freedom of speech which was intended by the Constitution.

Suppose such a judge should think fit to decide that such a law was constitutional, and a man should be brought to trial under it for uttering the sentiments of Jefferson, or proclaiming the doctrines of the Declaration of Independence. There would be no remedy for such an outrage save in the intelligent judgment and independence of the jury.

In a court, then, from whose decisions there is no appeal, and for whose errors there is no remedy or redress, juries are especially called upon to be careful not to condemn unless the evidence proves the charge beyond the slightest doubt.

Looking at it in this view, it will be impossible for you, as fair men, to convict this defendant upon this



indictment ; and I cannot think that there is a man on this jury to whom it would not give the greatest satisfaction to be able to bring in a verdict of acquittal.

Surely it can give no pleasure to any man to be the means of imposing a disgrace upon one of his fellow-men, of visiting him with fine and imprisonment for an act which is, to say the least of it, dictated by humane and generous motives, and which, if committed, would not lower the defendant in your estimation as a good man. And if not, then it cannot be that on evidence so doubtful and unsatisfactory as has been offered here, you will refuse to acquit him.

Gentlemen of the jury, it is said that the execution of this oppressive and odious law in the North will tend to the preservation of the Union, and your love of country is sought to be enlisted in aid of a conviction of the defendant at the bar.

I deny the assertion. I say that nothing tends more to weaken the bonds of the Union at the North than such prosecutions as these. Make men feel by the execution of this Fugitive Slave Act on the soil of the free States, how all the great securities of personal liberty are daily violated in behalf of slavery ; pursue with fine and imprisonment men of stainless character and unsullied life, for giving a helping hand or a kind word to a poor fugitive on his way to liberty, — and you will fill the hearts of freemen at the North with feelings of bitterness and discontent. Better, far better, were it for the Union, for the peace of the country, for the continuance of those fraternal feelings and relations which should bind together the citizens of these States, if this Fugitive Slave Law of 1850 had lain, like the law of 1793, dormant upon the statute book. The law of 1793 was the only law on this subject for more than



fifty years. It is well known that that law was practically a nullity, and that so few attempts to enforce it were made that it was to all intents and purposes the same as if there were no law in existence ; and that was the period of the utmost peace and harmony throughout the whole country.

Better, far better, if this law of 1850 had shared the same fate. Better for the South itself ; for if slavery be that fierce and terrible volcano, ever ready to pour forth fire and destruction over the whole land, as has been so graphically pictured in the eloquent denunciation of the learned gentleman against abolition incendiarism, then it were surely wiser and safer to let these brave and fiery spirits who have the boldness to strike out for freedom and the skill and daring to obtain it remain where they are, and not seek to regain them. Such men would, if captured and restored, be but as fire-brands to kindle the flame of insurrection and light the train which should cause the volcano to explode.

Better, too, for the North ; for it would remove one bitter and burning source of anger and resentment in the Northern heart.

It is said that the laws of the United States must be enforced. It is better for bad laws to remain unenforced, to sleep in harmless oblivion.

There are other provisions of the Constitution of the United States as binding as that on which this law is based, and which are also in themselves just, which are every day violated ; and yet the Government does not take any action in respect to such violations, and the dignity of the Government seems not to be at all disturbed by them.

The property of citizens on the free soil of one of the Territories of the United States has been destroyed

by the most wanton violence ; men have been assaulted and murdered for no crime, and in the open light of day ; one of the great navigable rivers of the nation has been blockaded by armed men ; free citizens are daily being exposed to insult and outrage in other States for exercising the right of free speech, and of a free press, guaranteed to them by the Constitution. All these things are matters of public history which are known to all.

Did you ever hear of any prosecutions of these men by the Government? Was the law enforced against these violators of the rights of person and property?

Why must this law, which punishes what is not a crime except by the statute which makes it so, be selected, and all the power of the Government be given to its enforcement, while the guarantees of the Constitution against unreasonable seizures and searches and its securities for the great rights of personal liberty, the freedom of speech and of the press, are trampled upon without notice and without punishment?

Gentlemen, I believe from my heart that a verdict of acquittal in this case will do more than aught else to allay public excitement, — to quiet the angry feelings and bitter resentment which these prosecutions have engendered.

One victim has already been offered up to this great Moloch of Slavery. The law has been vindicated. It is enough. Let your verdict in this case restore this defendant to his family in peace, and show that while you are willing to do full justice to the slaveholder, you have some respect for the rights and liberties of freemen.













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